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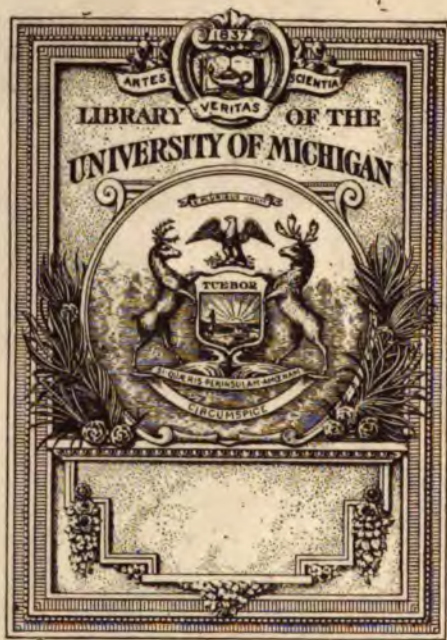
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THE JOURNAL OF NEGRO HISTORY

JAN 22 1918

EDITED BY
CARTER G. WOODSON

VOL. III., No. 1

JANUARY, 1918

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CONTENTS

W. B. HARTGROVE: <i>The Story of Josiah Henson</i>	1
BENJAMIN BRAWLEY: <i>Elizabeth Barrett Browning and the Negro</i> ..	22
CHARLES E. CHAPMAN: <i>Palmares, The Negro Numantia</i>	29
DEJILAH L. BEASLEY: <i>Slavery in California</i>	33
DOCUMENTS:	45
<i>California Freedom Papers.</i>	
<i>Thomas Jefferson's Thoughts on the Negro.</i>	
<i>Some Undistinguished Negroes</i>	90
BOOK REVIEWS:	92
JONES'S <i>Negro Education</i> ; ORTIZ'S <i>Los Negros Esclavos</i> ; PEARSON'S <i>The Readjuster Movement in Virginia</i> ; CALHOUN'S <i>The Social History</i> <i>of the American Family</i> , Volume I.	
NOTES:	98

THE ASSOCIATION FOR THE STUDY OF NEGRO LIFE
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THE JOURNAL OF NEGRO HISTORY

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THE STORY OF JOSIAH HENSON¹

No one ever uttered a more forceful truth than Frederika Bremer when she said in speaking to Americans: "The fate of the Negro is the romance of your history." The sketches of heroes showing the life of those once exploited by Christian men must ever be interesting to those who would know the origin and the development of a civilization distinctly American. In no case is this more striking than in that of Josiah Henson, the man who probably was present to Harriet Beecher Stowe's mind when she graphically portrayed slavery in writing "Uncle Tom's Cabin."

Josiah Henson was born June 15, 1789, on a farm in Charles County, Maryland, where his mother was hired out. His parents had six children. The only recollection he had of his father was that of seeing his right ear cut off, his head gashed and his back lacerated, as a result of the cruel punishment inflicted upon him because he had dared to beat the overseer of the plantation for brutally assaulting the slave's wife. Because of becoming morose, disobedient and intractable thereafter, Henson's father was sold to a planter in Alabama and his relatives never heard of him

¹ On account of ill health Mr. W. B. Hartgrove, who was preparing this article, had to turn over his unfinished manuscript to the editor, who completed it. The story is based on the "*Life of Josiah Henson*," "*Father Henson's Story of His Own Life*" and "*Uncle Tom's Story of His Life*."—
THE EDITOR.

again. His mother was then brought back to the estate of her owner, a Doctor McPherson, who was much kinder to his slaves. Dr. McPherson gave the youth his own name, Josiah, and the family name Henson after Dr. McPherson's uncle, who served in the Revolutionary War. Josiah showed signs of mental and religious development under the pious care of his Christian mother and for that reason became his master's favorite.

Upon the death of Doctor McPherson, however, it became necessary to sell the estate and slaves to divide his property among his heirs. The Henson family was then scattered throughout the country and worst of all Josiah was separated from his mother, notwithstanding his mother's earnest entreaty that her new master, Isaac Riley, should also purchase her baby. Instead of listening to the appeal of this afflicted woman clinging to his hands, he disengaged himself from her with violent blows. She was then taken to Riley's farm in Montgomery County. Josiah was purchased by a man named Robb, a tavern keeper living near Montgomery Court-House. Both masters were unusually cruel, in keeping with the tyrannical methods employed by planters of that time. Because of ill health resulting from the lack of proper care, Josiah became very sickly. He was then providentially restored to his mother, having been offered to her owner by Robb for a small sum, for the reason that it was thought that he would die.

His third master was "vulgar in his habits, unprincipled and cruel in his general deportment and especially addicted to the vice of licentiousness."² On his plantation Henson served as water-boy, butler and finally as a field hand, experiencing the usual hardship of the slave. He ate twice a day of cornmeal and salt herring, with a little buttermilk and a few vegetables occasionally. His dress was first a single garment, something like a long shirt reaching to the ankles, later a pair of trousers and a shirt with the addition of a woolen hat once in two or three years

² Henson, "*Uncle Tom's Story of his Life*," p. 15.

and a round jacket or overcoat in the winter time. He slept with ten or a dozen persons in a log hut of a single small room, with no other floor than the trodden earth, and without beds or furniture. In spite of this, however, Henson grew to be a robust lad, who at the age of fifteen could do a man's work. Having too more mental capacity than most slaves, he was regarded as a smart fellow. Hearing remarks like this about himself, Henson became filled with ambition and pride, and aspired to a position of influence among his fellows.

At times Henson would toil and induce his fellow slaves to work much harder and longer than required to obtain from their master a kind word or act, but these efforts usually produced no more from their owner than a cold calculation of the value of Josiah to him. When, however, the white overseer of this plantation was discharged for stealing from his employer, Josiah had shown himself so capable that he was made manager of the plantation. In this position his honest management of the estate made him indispensable to his master also as a salesman of produce in the markets of Georgetown and Washington. He had during these years come under the influence of an anti-slavery white man of Georgetown and had become a devout Christian with considerable influence as a preacher among the slaves.

About this time, Josiah was serving his master in another capacity, which brought upon him one of the greatest misfortunes of his life. This was accompanying his master to town for protection and deliverance when the owners of his order indulged in excessive drinking and brawls in taverns. Sometimes in removing his master from the midst of a fracas, he would have to handle his owner's opponent rather roughly. On one occasion when Riley became involved in a quarrel with his brother's overseer, Henson pushed the overseer down; and falling while intoxicated the overseer suffered some injury. The overseer decided to wreak vengeance on Henson for this. Finding

Henson on the way home one day the overseer assisted by three Negroes attacked him, beating him unmercifully and left him on the ground almost senseless with his head badly bruised and cut and with his right arm and both shoulder blades broken. Being on a farm where no physician or surgeon was usually called, Henson recovered with difficulty under the kind treatment of his master's sister; but was never able thereafter to raise his hands to his head. The culprit did not suffer for this offense, as the court acquitted him on the grounds of self-defense.

In the course of time Henson's master, Isaac Riley, lived so extravagantly that he became involved in debt and lawsuits which heralded his ruin. Seeing his estate would be seized, he intrusted to Henson in 1825 the tremendous task of taking his 18 slaves to his brother, Amos Riley, in Kentucky. Henson bought a one-horse wagon to carry provisions and to relieve the women and children from time to time. The men were compelled to walk altogether. Traveling through Alexandria, Culpepper, Fauquier, Harper's Ferry and Cumberland, they met on the way droves of Negroes passing in chains under the system of the internal slave trade, while those whom Henson was conducting were moving freely without restriction. On arriving at Wheeling, he sold the horse and wagon and bought a boat of sufficient size to take the whole party down the river. At Cincinnati some free Negroes came out to greet them and urged them to avail themselves of the opportunity to become free. Few of the slaves except Henson could appreciate this boon offered them, but he had thought of obtaining it only by purchase. Henson said: "Under the influence of these impressions, and seeing that the allurements of the crowd were producing a manifest effect, I sternly assumed the captain, and ordered the boat to be pushed off into the stream. A shower of curses followed me from the shore; but the Negroes under me, accustomed to obey, and, alas! too degraded and ignorant of the advantages of liberty to know what they were forfeiting,

offered no resistance to my command." "Often since that day," says he, "has my soul been pierced with bitter anguish at the thought of having been thus instrumental in consigning to the infernal bondage of slavery so many of my fellow-beings. I have wrestled in prayer with God for forgiveness. Having experienced myself the sweetness of liberty, and knowing too well the after misery of a great majority of them, my infatuation has seemed to me an unpardonable sin. But I console myself with the thought that I acted according to my best light, though the light that was in me was darkness."³

Henson finally arrived with these slaves at the farm of his master's brother, five miles south of the Ohio and fifteen miles above the Yellow Banks, on the Big Blackfords' Creek in Davies County, Kentucky, April, 1825. Here the situation as to food, shelter and general comforts was a little better than in Maryland. He served on this plantation as superintendent and having here among more liberal white people the opportunity for religious instruction, he developed into a successful preacher, recognized by the Conference of the Methodist Episcopal Church.

There he remained waiting for his master three years. Unable to persuade his wife to move to Kentucky, however, his master decided to abandon the idea and sent an agent to bring upon those slaves another heartrending scene of the auction block, though Henson himself was exempted. Henson saw with deepest grief the agony which he recollected in his own mother and which he now unfortunately said in the persons with whom he had long been associated. He could not, therefore, refrain from experiencing the bitterest feeling of hatred of the system and its promoters. He furthermore lamented as never before his agency in bringing the poor creatures hither, if such had to be the end of the expedition. Freedom then became the all-absorbing purpose that filled his soul. He said that he stood ready to pray, toil, dissemble, plot like a fox and fight like a tiger.

³ Henson, "*Uncle Tom's own Story of his Life*," p. 53.

A new light dawned upon the dark pathway of Josiah Henson, however, in 1828. A Methodist preacher, an anti-slavery white man, talked with Henson one day confidentially about securing freedom. He thereupon suggested to Henson to obtain his employer's consent to visit his old master in Maryland that he might connect with friends in Ohio along the way and obtain the sum necessary to purchase himself. His employer readily consented and with the required pass and a letter of recommendation from his Methodist friend to a preacher in Cincinnati, Henson obtained contributions to the amount of one hundred and sixty dollars on arriving in that city, where he preached to several congregations. He then proceeded to Chillicothe where the annual Methodist Conference was in session, his kind friend accompanying him. With the aid of the influence and exertions of his coworker Henson was again successful. He then purchased a suit of comfortable clothes and an excellent horse, with which he traveled leisurely from town to town, preaching and soliciting as he went. He succeeded so well that when he arrived at his old home in Maryland, he was much better equipped than his master. This striking difference and the delay of Henson along the way from September to Christmas caused his master to be somewhat angry. Moreover, as his master had lost most of his slaves and other property in Maryland, he was anxious to have Henson as a faithful worker to retrieve his losses; but this changed man would hardly subserve such a purpose.

The conditions which he observed around him were so much worse than what he had for some time been accustomed to and so changed was the environment because of the departure or death of friends and relatives during his absence that Henson resolved to become free. He then consulted the brother of his master's wife, then a business man in Washington, whom he had often befriended years before and who was angry with Henson's master because the latter had defrauded him out of certain property. This friend, therefore, gladly took up with Henson's master the

question of giving the slave an opportunity to purchase himself. He carefully explained to the master that Henson had some money and could purchase himself and that if, in consideration of the valuable services he had rendered, the master refused to do so, Henson would become free by escaping to Canada. The master agreed then to give him his manumission papers for four hundred and fifty dollars, of which three hundred and fifty dollars was to be in cash and the remainder in Henson's note. Henson's money and horse enabled him to pay the cash at once. But his master was to work a trick on him. He did not receive his manumission papers until March 3, 1827, and when Henson started for Kentucky his master induced him to let him send his manumission papers to his brother in Kentucky where Henson was returning, telling him that some ruffian might take the document from him on the way. In returning to Kentucky Henson was arrested several times as a fugitive, but upon always insisting on being carried before a magistrate he was released. He had no trouble after reaching Wheeling, from which he proceeded on a boat to Davies County, Kentucky.

Arriving at the Kentucky home, he was informed that the master had misrepresented the facts as to his purchase. He had written his brother that Henson had agreed to pay one thousand dollars for himself, the balance of the six hundred and fifty dollars to be paid in Kentucky. As the only evidence he had, had been sent to his master's brother, it was impossible for him to make a case against him in court. Things went on in uncertainty for about a year. Then came a complaint from his master in Maryland, saying that he wanted money and expressing the hope that Henson would soon pay the next installment.

Soon thereafter Henson received orders to go with Amos Riley carrying a cargo to New Orleans. This suggestion was enough. He contrived to have his manumission papers sewed up in his clothing prior to his departure on the flat boat for New Orleans. He knew what awaited him and his

mind rapidly developed into a sort of smoldering volcano of pent-up feeling which at one time all but impelled him to murder his white betrayers. Blinded by passion and stung by madness, Henson resolved to kill his four companions, to take what money they had, then to scuttle the craft and escape to the North. One dark night within a few days' sail of New Orleans it seemed that the opportune hour had come. Henson was alone on the deck and Riley and the hands were asleep. He crept down noiselessly, secured an ax, entered the cabin, and looking by aid of the dim light, his eye fell first on Riley. Henson felt the blade of the ax and raised it to strike the first blow when suddenly the thought came to him, "What! Commit murder, and you a Christian?" His religious feeling and belief in the wonderful providence of God prevented him.

Riley talked later of getting him a good master and the like but did not disguise the effort to sell him. Fortunately, however, Amos Riley was suddenly taken sick and becoming more dependent on Henson than Henson had been on him, he immediately ordered Henson to sell the flat boat and find passage for him home in a sick cabin at once. Henson did this and succeeded by careful nursing to get Amos back to his home in Kentucky alive. Although he confessed that, if he had sold Henson, he would have died, the family showed only a realization of an increased value in Henson rather than an appreciation of his valuable services. He, therefore, decided to escape to Canada.

His wife, fearing the dangers, would not at first agree to go, but upon being told that he would take all of the children but the youngest, she finally agreed to set out with him. Knowing of the hardships that they must have to experience, Henson practised beforehand the carrying of the children on his back. They crossed the river into Indiana and proceeded toward Cincinnati, finding it difficult to purchase food in that State, so intensely did the people hate the Negro there. After two weeks of hardship, exhausted they reached Cincinnati. There they were refreshed and carried 30 miles

on the way in a wagon. They directed themselves then toward the Scioto, where they were told they would strike the military road of General Hull, opened when he was operating against Detroit.

They set out, not knowing that the way lay through a wilderness of howling wolves and, not taking sufficient food, they did not pass homes from which they could purchase supplies on the way. They did not go far before his wife fainted, but she was soon resuscitated. Finally, they saw in the distance persons whose presence seemed to be the dark foreboding of disaster, but the fugitives pressed on. They proved to be Indians, who, when they saw the blacks, ran away yelping. This excited the fugitives, as they thought the Indians were yelling to secure the cooperation of a larger number to massacre them. Farther on they saw other Indians standing behind trees hiding. After passing through such trials as these for some time they came to an Indian village, the dwellers of which, after some fear and hesitation, welcomed them, supplied their wants and gave them a comfortable wigwam for the night. They were then informed that they were about twenty-five miles from the lakes. After experiencing some difficulty in fording a dangerous stream and spending another night in the woods they saw the houses on the outskirts of Sandusky.

Using good judgment, however, Henson did not go into the village at once. When about a mile from the lake, He hid his family in the woods and then proceeded to approach the town. Soon he observed on the left side of the town a house from which a number of men were taking something to a vessel. Approaching them immediately he was asked whether or not he desired to work. He promptly replied in the affirmative and it was not long before he was assisting them in loading corn. He soon contrived to get in line next to the only Negro there engaged and communicated to him his plans.⁴

⁴ Henson gives this interesting conversation:

"How far is it to Canada?" He gave me a peculiar look, and in a minute I saw he knew all. "Want to go to Canada? Come along with us,

He told the captain, who called Henson aside and agreed to assist him in getting to Buffalo, the boat's destination,

then. Our captain's a fine fellow. We're going to Buffalo." "Buffalo; how far is that from Canada?" "Don't you know, man? Just across the river." I now opened my mind frankly to him, and told him about my wife and children. "I'll speak to the captain," said he. He did so, and in a moment the captain took me aside, and said, "The Doctor says you want to go to Buffalo with your family." "Yes, sir." "Well why not go with me?" was his frank reply. "Doctor says you've got a family." "Yes, sir." "Where do you stop?" "About a mile back." "How long have you been here." "No time," I answered, after a moment's hesitation. "Come, my good fellow, tell us all about it. You're running away, ain't you?" Henson saw that he was a friend, and opened his heart to him. "How long will it take you to get ready?" "Be here in half an hour, sir." "Well go along and get them." Off I started; but, before I had run fifty feet, he called me back. "Stop," said he; "you go on getting the grain in. When we get off, I'll lay to over opposite that island, and send a boat back. There's a lot of regular nigger-catchers in the town below, and they might suspect if you brought your party out of the bush by daylight." I worked away with a will. Soon the two or three hundred bushels of corn were aboard, the hatches fastened down, the anchor raised, and the sails hoisted. I watched the vessel with intense interest as she left her moorings. Away she went before the free breeze. Already she seemed beyond the spot at which the captain agreed to lay to, and still she flew along. My heart sank within me; so near deliverance, and again to have my hopes blasted, again to be cast on my own resources. I felt that they had been making a mock of my misery. The sun had sunk to rest, and the purple and gold of the west were fading away into gray. Suddenly, however, as I gazed with weary heart the vessel swung round into the wind, the sails flapped, and she stood motionless. A moment more, and a boat was lowered from her stern, and with steady stroke made for the point at which I stood. I felt that my hour of release had come. On she came, and in ten minutes she rode up handsomely on the beach. My black friend and two sailors jumped out, and we started on at once for my wife and children. To my horror, they were gone from the place where I left them. Overpowered with fear, I supposed they had been found and carried off. There was no time to lose, and the men told me I would have to go alone. Just at the point of despair, however, I stumbled on one of the children. My wife it seemed, alarmed at my long absence, had given up all for lost, and supposed I had fallen into the hands of the enemy. When she heard my voice, mingled with those of the others, she thought my captors were leading me back to make me discover my family, and in the extremity of her terror she had tried to hide herself. I had hard work to satisfy her. Our long habits of concealment and anxiety had rendered her suspicious of every one; and her agitation was so great that for a time she was incapable of understanding what I said, and went on in a sort of paroxysm of distress and fear. This, however, was soon over, and the kindness of my companions did much to facilitate the matter."—Father Henson's *Story of his own Life*, p. 121.

where the fugitives would find friends. It was agreed that the vessel should leave the landing and that a small boat should take the fugitives aboard at night, as there were Kentucky spies in Sandusky that might apprehend them. Henson said he watched the vessel leave the landing and then lower a boat for the shore and in a few minutes his black friend and two sailors landed and went with him to get his family. Thinking that he had been captured his wife had grown despondent and had moved from the spot where he left her. With a little difficulty, he found her, but when she saw him approaching with those men, she was still more frightened. She was reassured, however, and soon they were received on board in the midst of hearty cheers. They arrived at Buffalo the next evening too late to cross the river. The following morning they were brought to Burnham and went on the ferry boat to Waterloo. The good Captain Burnham paid the passage money and gave Henson a dollar beside. They arrived in Canada on the 28th day of October, 1830. Describing his exultation Henson said: "I threw myself on the ground, rolled in the sand, seized handfuls of it and kissed them, and danced round till, in the eyes of several who were present, I passed for a madman. 'He's some crazy fellow,' said a Colonel Warren, who happened to be there. 'O, no, master! don't you know? I'm free!' He burst into a shout of laughter. 'Well I never knew freedom make a man roll in the sand in such a fashion.' Still I could not control myself. I hugged and kissed my wife and children, and, until the first exuberant burst of feeling was over, went on as before."

He soon found employment there with one Mr. Hibbard, whom he served three years and was lodged in a cabin better than that in Kentucky. His family, however, had been so exposed that during the first winter they almost died of sickness, but his employer was kind to him. Mr. Hibbard taught Henson's son Tom, then twelve years of age. Tom's achievements were soon such that instead of reading the Bible to his father to assist him in preaching he taught his

father to read. Henson then entered the service of one Mr. Risely, who had experienced more elevation of mind than Mr. Hibbard. With this advantage Henson not only realized more fully than ever the ignorance in which he lived, but became interested in the elevation of his people there, who had been content with the mere making a livelihood rather than solving the economic problems of freedom. A good many, thereafter, agreed to invest their savings in land. In this they had the cooperation of Mr. Risely. Henson set out, therefore, in 1834 to explore the country and finally selected a place for a settlement to the east of Lake St. Clair and Detroit river later called Colchester.

Henson thereafter directed his attention to those whom he had left in bondage. If he felt any compunction of conscience for having conducted the party of Maryland slaves through a free State without making an effort to free them, he made up for that in later years. Addressing an audience of Negroes some years later at Fort Erie, Pennsylvania, he took occasion to remind them of their duty to assist in the emancipation of their fellowmen in the South. In the audience was a young man named James Lightfoot, who had fled from a plantation near Maysville, Kentucky. Seeing his duty as never before, he approached Father Henson to arrange for the rescue of his enslaved kinsmen. Knowing the agony in which he was, Henson undertook the perilous task of bringing them to Canada. Leaving his family alone he traveled on foot through New York, Pennsylvania and Ohio into Kentucky. He had little difficulty in finding the Lightfoots. On presenting them a small token of the loved one, who, they were told, had gone to the land of freedom, they exhibited no little excitement. Unfortunately, however, Lightfoot's parents were so far advanced in years and his sisters had so many children that they could not travel. As the young men, who could have gone, were not anxious to be separated from their loved ones, all declined the invitation to make this effort for freedom at that time, promising to undertake it a year thereafter, if Henson returned for them.

Henson agreed to do so and in the meantime went forty or fifty miles into Bourbon County in the interior of Kentucky in quest of a large party of Negroes who were said to be ready to escape. After a search for about a week he discovered that there were about thirty fugitives collected from various States. With them he started on the return trip to Canada, traveling by night and resting by day. They contrived to cross the Ohio river and reached Cincinnati in three days. There they were assisted and directed to Richmond, Indiana, a settlement of Quakers, who helped them on their way. After a difficult journey of two weeks they reached Toledo and took passage for Canada, which they reached in safety.

Henson then remained on his farm in Canada some months, but when the appointed time for the delivery of the enslaved kinsmen of James Lightfoot arrived, he set out again for Kentucky. He passed through Lancaster, Ohio, where the people were very much excited over a meteoric shower, thinking that the day of judgment had come. Henson thought so too, but believing that he was promoting a righteous cause, he kept on. On arriving at Portsmouth on the Ohio, he narrowly escaped being detected by Kentuckians in the town. He resorted to the stratagem of binding his head with dried leaves in a cloth and pretended to be so seriously afflicted that he could not speak. Arriving at Maysville, he had little difficulty in finding the slaves whom he was seeking. The second person whom he met was Jefferson Lightfoot, the brother of James Lightfoot for whom Henson was making this trip. Saturday night, as usual, was set as the time for the execution of this affair, for the reason that they would not be missed until Monday and would, therefore, have a day ahead. They started from Maysville in a boat, hoping to reach Cincinnati before daylight, but the boat sprang a leak and the party narrowly escaped being drowned. They procured another boat, however, and got within ten miles of Cincinnati before daylight. To avoid being detected, they abandoned the boat and pro-

ceeded to walk to Cincinnati, but faced another difficulty when they reached the Miami, which at that point was too deep to be forded. But in going up the river seeking a shallow place they were seemingly led providentially by a cow that waded across before them. As the weather was cold and they were in a state of perspiration on wading through, the youngest Lightfoot was seized with serious contractions, but recovered after receiving such ministrations as could be given on the way. They were assisted in Cincinnati and the next day started on their journey to Canada. They had not gone far before the young Lightfoot became so seriously ill that he had to be carried on a litter, and this became so irksome that he himself begged to be left in the wilderness to die alone rather than handicap the whole party with such good prospects for freedom. With considerable reluctance, they acceded to his request, and sad indeed was the parting. But before they had gone more than two miles on their journey one of the brothers of the sick man suddenly decided to return, as he could not suffer to have his brother die thus in the wilderness, and be devoured by wolves. They returned and found the young man seemingly in a dying condition. They at once decided to resume their journey and had not gone far before they saw a Quaker whose *thee* and *thou* led them to believe that he was their friend. They then told him their story, which was sufficient. He immediately returned home, taking them with him. The fugitives remained there for the night and arranged for the boy to remain with the Quaker until he should recover. They were then provided with a sack of biscuit and a supply of meat, with which they set out again for Canada. After proceeding a little further they met a white man, who became helpful to them in escaping the slave hunters who were then on their trail. This man while working for an employer who undertook to punish him had used violence and had to run off. The party, knowing the increasing danger of capture, walked all night, trying to cover the distance of forty miles. At daybreak they reached a wayside tavern near Lake Erie and ordered

breakfast. While the meal was in preparation they quickly fell asleep. Just as the breakfast was ready, however, Henson had the peculiar presentiment that some danger was near and that he should at once leave the house. After experiencing some difficulty in persuading the fugitives to leave the tavern quickly they agreed to follow his orders. They had hardly left the tavern when they heard the tramping of the horses of the slave hunters. They hid themselves in some bushes nearby which overlooked the road. The Lightfoots quickly recognized the slave hunters and whispered their names to Henson as they passed by. This was the critical moment of their lives. Had they remained in the house a few minutes longer they would have been apprehended. Their white friend proceeded to the door in advance of the landlord and when asked as to whether he had seen any slaves said that he had, that there were six of them and that they had gone toward Detroit. The slave-hunters at once set out in that direction. The fugitives returned to the house, devoured their breakfast immediately and secured the assistance of the landlord, who hearing their piteous story agreed to take them in his boat to Canada. In the language of Henson, "Their bosoms were swelling with inexpressible joy as they mounted the seats of the boat, ready, eager, to spring forward, that they might touch the soil of the freeman. And when they reached the shore, they danced and wept for joy and kissed the earth on which they first stepped, no longer *slaves* but *freemen*."⁵

Within a short time thereafter the boy whom they had left in dying condition on the way reached them on the free soil of Canada in good health. And Frank Taylor, the master of these fugitives, on recovering from an attack of insanity which apparently resulted from the loss of these slaves was persuaded by his friends to free the remaining members of the Lightfoot family, an act which he finally performed, enabling them after a few years to join their loved ones beyond the borders of the land of the slave. In this

⁵ Henson, "*Uncle Tom's Story of his Life*," p. 162.

way Henson became instrumental in effecting the escape of as many as one hundred and eighteen slaves.*

The next important work was the establishment of the British American Manual Labor Institute in connection with Reverend Hiram Wilson. After working out a tentative plan, Wilson wrote James C. Fuller, residing in the State of New York, and interested him in the free Negroes of Canada West. On a trip to England Mr. Fuller raised \$1,500 for this purpose. A convention of the leading refugees in Canada West was then called to decide exactly how this money should be spent. Henson urged that it be appropriated to the establishment of a manual labor school, where children could be taught the elements of knowledge which are usually the courses of a grammar school; and where the boys could be given, in addition, the practice of some mechanic art and the girls could be instructed in those domestic arts which are the proper occupations of their sex. Such a school he thought would so equip the Negro youth as to enable him to take over much of the work then being done by white teachers. This was then necessary, owing to the prejudice arising against the coeducation of the whites and blacks and the stigma attached to teachers of Negroes. For this purpose two hundred acres of land were bought on the river Sydenham. In 1842 the school was established at Dawn, to which Henson moved with his family. Henson traveled in New York, Connecticut, Massachusetts and Maine in the interest of the institution and obtained many

* Years thereafter when taking dinner with a distinguished gentleman in London the thought of enjoying such privileges while his only brother was in slavery dawned suddenly and impressed itself so forcefully upon him that he immediately arose from the table, unable to eat. He soon returned to America and at once proceeded to devise means to free his brother. Mr. William Chaplain, of New York, had repeatedly urged him to flee by way of the underground railroad, but he was so demoralized and stultified by slavery that he would not make an effort. Mr. Chaplain made a second effort to induce him to escape but he still refused. Henson finally arranged to sell the narrative of his life to secure funds for his liberation. The book sold well in New England and the requisite four hundred dollars being raised his brother was freed and enabled to join him in Canada.—Father Henson's *Story of his own Life*, pp. 209-212.

gifts, especially from Boston, the liberal people of which gave him sufficient funds to maintain it some time.

In connection with this school there was established a saw-mill, the building and the equipment of which was secured by Henson also from philanthropists in Boston. These gentlemen were Rev. Ephraim Peabody, Amos Lawrence, H. Ingersoll Bowditch, and Samuel Elliot. Henson then proceeded to have walnut sawed in Canada and shipped to Boston. He sold his first eighty thousand feet to Jonas Chickering, at forty-five dollars a thousand. The second cargo was shipped to Boston via the St. Lawrence and brought Henson a handsome profit. This business not only became profitable to the persons directly interested in it but proved to be an asset of the whole section.

In the course of time, however, the institution became heavily indebted and some means of relief had to be found. At a meeting of the trustees it was decided to separate the management of the mill from that of the school. It was easy to find some one to take over the school, but few dared to think of assuming the management of the mill, which was indebted to the amount of seven thousand five hundred dollars. Henson accepted the management of the latter on the condition that Peter B. Smith would assume an equal share of the responsibility. Henson then proceeded to England to raise funds to pay the debts of the mill. Well supplied with letters of recommendation from some of the most prominent men in the United States, he easily connected with men of the same class in England. But before he could raise more than seventeen hundred dollars, an enemy, jealous of his success, circulated through the press the report that he was an imposter and was not authorized to solicit funds for any such purpose.⁷ This, of course, frustrated his plans, but the English people were kind to him. They sent an agent, John Scobell, to Canada to inquire into the matter, Henson accompanying him. A thorough investigation of the affairs of the institution was made and the

⁷ *Liberator*, April 11, 1851.

charges were repudiated. The person who circulated them even denied that he had done so. Upon returning to England Mr. Scobell informed Henson that should he ever desire to return to England, he would find in the hands of Amos Lawrence, of Boston, a draft to cover his expenses. Henson did return in 1851 and raised sufficient money to cancel the entire indebtedness of the institution. He was compelled to return to Canada soon after his arrival, however, on account of the fatal illness of his wife, who passed away in 1852.

How Father Henson claimed to be the original Uncle Tom of Mrs. Stowe's immortal story is more than interesting. Laboring in the anti-slavery cause, Henson traveled in Canada and New England, where he was welcomed to the pulpits of ministers of all denominations. Once when he was in the vicinity of Andover, Massachusetts, Mrs. Stowe sent for him and his traveling companion, Mr. George Clarke, a white gentleman promoting the abolition of slavery by singing at anti-slavery meetings. Mrs. Stowe became deeply interested in Henson's story and had him narrate in detail the many varied experiences of his eventful life. He told her, moreover, about the life of the slave in several sections and the peculiarities of many slaveholders. Soon thereafter appeared "Uncle Tom's Cabin." Henson said that the white slaves, George and Eliza Harris, were his particular friends. Harris's real name was Lewis Clark, who traveled and lectured with Henson in New England. Clark and his wife lived in Canada and finally moved to Oberlin to educate their children. Furthermore, Henson says there was on his plantation a clear-minded, sharp Negro girl, Dinah, who was almost like Mrs. Stowe's Topsy and that a gentleman Mr. St. Clair lived in his neighborhood. Bryce Litton, who broke Henson's arms and so maimed him for life that he could never thereafter touch the top of his head, he thought, would well represent Mrs. Stowe's cruel Legree. It has been denied that he was this hero.

When Henson was in England he had the good fortune

to exhibit at the World's Fair there some of his beautifully polished walnut lumber, which Mr. Jonas Chickering sent over for him. The only exhibitor of color, he attracted attention from many, among whom was Queen Victoria, who in passing by was saluted by Henson, which salutation was returned. She inquired as to whether the exhibit he had charge of was his work. At the close of the exhibition Henson received a large quarto bound volume describing the exhibits and listing the exhibitors, among whom was found Josiah Henson. In addition he was awarded a bronze medal, a beautiful picture of the Queen and royal family of life size and several other objects of interest.

While in England Henson had the privilege of meeting some of its most distinguished citizens. He introduced himself to the thinkers of the country when, upon hearing an eminent man from Pennsylvania tell the Sabbath-School Union that all classes in the United States indiscriminately enjoyed religious instruction. Henson demanded a hearing and successfully refuted the misrepresentation. Having a standing invitation, he dined alternately with Samuel Morley and George Hitchcock, Esq., of St. Paul's Church Yard. Upon meeting Lord Grey, Henson was asked by the gentleman to go to India to introduce the culture of cotton, promising him an appointment to an office paying a handsome salary. Through Samuel Guernsey, Henson had a long interview with the Archbishop of Canterbury, who was so impressed with Henson's bearing and culture that he inquired as to the university from which he was graduated. Henson replied, *The University of Adversity*. After listening to Henson's experiences for more than an hour he followed him to the door and begged him to come to see him again. He then attended a large picnic of Sabbath-School teachers on the grounds of Lord John Russell, then Prime Minister of England. Sitting down to dinner, Henson was given the seat of honor at the head of the table with such guests as Reverend William Brock, Honorable Samuel M. Peto and Mr. Bess.

Near the end of his career Henson had many things to trouble him. The divided management of the British American Manual Labor Institute and the saw-mill proved a failure. The trustees who got control of it promised to make something new of it but did not administer the affairs successfully and they were involved in law suits there with the Negroes, who endeavored to obtain control of it. It finally failed, despite the fact that the court of chancery appointed a new board of trustees and granted a bill to incorporate the institution as Wilberforce University, which existed a few years.

Henson showed his patriotism in serving as captain to the second Essex company of colored volunteers in the Canadian Rebellion, going to the aid of the government which gave them asylum from slavery. His company held Fort Malden from Christmas until the following May and also took the schooner *Ann* with three hundred arms and two cannons, musketry and provisions for the rebel troops. They held the fort until they were relieved by the colonel of the 44th regiment from England. Then came the Civil War. Henson was too old to go, but his relatives enlisted. He was charged with having violated the foreign enlistment act and was arrested and acquitted after some harrowing experiences.

Henson made a third trip to England near the close of his career. Many of his friends had passed away, but he met his old supporter, Samuel Morley. He made the acquaintance also of Sir Thomas Fowell Buxton Hart, R. C. L. Bevan, and Professor Fowler. But he was then the hero of "Uncle Tom's Cabin." The English people had read of him. They then wanted to see him. He spoke at the Victoria Park Tabernacle and held in London a farewell meeting in Spurgeon's Tabernacle. The buildings were thronged to their utmost capacity and eager crowds on the outside made desperate efforts to see him. He was then called to Scotland that the people farther north might also see this hero. Just as Henson reached Edinburgh the

crowning honor of his life was to come. He received a telegram from Queen Victoria inviting him to visit her the following day. After addressing an unusually large audience, Henson proceeded immediately to London. The next day he and his wife were dined by a group of distinguished gentlemen and were then taken to Windsor Castle, where they were presented to Queen Victoria. Her majesty informed him that he had known of him ever since she was a little girl. She expressed her surprise at seeing him look so different from what she had imagined he would. She briefly discussed with him the state of affairs in Canada, and in bidding him and his wife farewell expressed her wish for his continued prosperity, gave him a token of her respect and esteem, consisting of a full length cabinet photograph of herself in an elegant easel frame of gold.

On his return to the United States Henson visited the old plantation in Montgomery County near Rockville, Maryland, finding his old master's wife still living. He then proceeded to Washington to see again the old haunts which he frequented when serving as the market man of his plantation. While in the National Capital he went to the White House to call on his Excellency President Hayes, who chatted with him about his trip across the sea while Mrs. Hayes showed Henson's wife through the executive mansion. When he left the President extended him a cordial invitation to call to see him again. This was the last thing of note in his life. He returned to his home in Canada and resumed the best he could the work he was prosecuting, but old age and sickness overtook him and he passed away in 1881 in the ninety-second year of his life.

W. B. HARTGROVE

ELIZABETH BARRETT BROWNING AND THE NEGRO

Elizabeth Barrett Browning was a poetic artist who was intensely concerned with the large human movements of the world and the age into which she was thrown. Her whole life was one great heart-throb. While the condition of her health and the nature of her early training were such as to cultivate her rather bookish and romantic temperament, she followed with eagerness the great social reforms in England in the reign of William IV and the early years of Victoria; and *The Cry of the Children* and *The Cry of the Human* indicated what was to be one of her chief lines of interest. In her later years she threw herself heart and soul into the cause of Italian independence and unity, welcoming Napoleon III as a benefactor. Her political judgment was not always sound: her distinguished husband could not possibly follow her in her admiration for Napoleon, whom he regarded as to some extent at least a charlatan, and Cavour simply represented his countrymen in his amazement and chagrin at the terms of the Peace of Villafranca; nevertheless the great heart of Elizabeth Barrett Browning was ever moved by the demands of liberty, whether the immediate impulse was a child in the sweat-shops of England, an Italian wishing to be free of Austria, or the exiled Victor Hugo, and there was no exaggeration in the tribute placed on the wall of Casa Guidi after her death:

Qui scrisse e morì
Elizabetta Barrett Browning
che in cuore di donna conciliava
scienza di dotto e spirito di poeta
e fece del suo verso aureo anello
fra Italia e Inghilterra
pone questa lapide
Firenze grata
1861¹

To such a woman the Negro, held in slavery in a great free republic, made a ready appeal. The first concrete connection, however, was one directly affecting the fortunes of the Barrett family. For some years Mr. Barrett had made his home at a beautiful estate in Herefordshire known as Hope End. He had inherited from his maternal grandfather a large estate in Jamaica, where the families of both his parents had been established for two or three generations. The abolition of slavery in the British colonies in 1833 inflicted great financial embarrassment upon him, as a result of which he was forced to sell Hope End and to remove his family, first to Sidmouth in Devonshire, and subsequently to London. Elizabeth Barrett foreshadowed this change of fortunes in a letter to her friend Mrs. Martin dated Sidmouth, May 27, 1833:

The West Indians are irreparably ruined if the Bill passes. Papa says that in the case of its passing, nobody in his senses would think of even attempting the culture of sugar, and that they had better hang weights to the sides of the island of Jamaica and sink it at once.²

In September of the same year she wrote from Sidmouth to the same friend as follows:

Of course you know that the late Bill has ruined the West Indians. That is settled. The consternation here is very great. Nevertheless I am glad, and always shall be, that the Negroes are—virtually—free.³

It is some years before we find another reference so definite. Miss Barrett in the meantime became Mrs. Browning and under the inspiration of love and Italy gave herself

¹ For the inscription we are indebted to the Cambridge edition of the poems of Mrs. Browning, edited by Harriet Waters Preston, Houghton Mifflin, Boston, p. xii. Translation: Here wrote and died Elizabeth Barrett Browning, who united to a woman's heart the learning of a savant and the inspiration of a poet, and made her verse a golden link between Italy and England. This tablet was set by grateful Florence in 1861.

² *The Letters of Elisabeth Barrett Browning*, edited by Frederic G. Kenton, 2 vols., Macmillan, New York and London, 1898. Vol. I, p. 21.

³ *Letters*, I, 23.

anew to her work. The feeling for liberty was constantly with her, as was to be seen from *Casa Guidi Windows* and *Poems before Congress*. About 1855, when she was on a visit to England, through the work of Daniel D. Home, a notorious American exponent of spiritualism, Mrs. Browning became interested in the current fad, and gave to it vastly more serious attention than most other initiates. Browning himself, while patient, was intolerably irritated with those whom he regarded as imposing on his wife's credulity, and delivered himself on the subject in *Mr. Sludge, 'the Medium.'* Spiritualism, however, was a topic of never-failing interest between Mrs. Browning and her American friend, Harriet Beecher Stowe, whom she entertained in Italy. *Uncle Tom's Cabin* made a profound impression upon her. In 1853 this book was still in the great flush of its first success. On April 12, 1853, Mrs. Browning wrote from Florence to Mrs. Jameson as follows:

Not read Mrs. Stowe's book! *But you must.* Her book is quite a sign of the times, and has otherwise and intrinsically considerable power. For myself, I rejoice in the success, both as a woman and a human being. Oh, and is it possible that you think a woman has no business with questions like the question of slavery? Then she had better use a pen no more. She had better subside into slavery and concubinage herself, I think, as in the times of old, shut herself up with the Penelopes in the "women's apartment," and take no rank among thinkers and speakers. Certainly you are not in earnest in these things. A difficult question—yes! All virtue is difficult. England found it difficult. France found it difficult. But we did not make ourselves an armchair of our sins. As for America, I honor America in much; but I would not be an American for the world while she wears that shameful scar upon her brow. The address of the new president⁴ exasperates me. Observe, I am an abolitionist, not to the fanatical degree, because I hold that compensation should be given by the North to the South, as in England. The states should unite in buying off this national disgrace.⁵

⁴ *I. e.*, Franklin Pierce.

⁵ *Letters*, II, 110.

Under date Florence, December 11, 1854, Mrs. Browning wrote to Miss Mitford as follows:

I am reading now Mrs. Stowe's *Sunny Memories*, and like the naturalness and simplicity of the book much, in spite of the provincialism of the tone of mind and education, and the really wretched writing. It's quite wonderful that a woman who has written a book to make the world ring should write so abominably.⁶

More and more as the Civil War approached was Mrs. Browning depressed by the thought of the impending conflict. Between June 7, 1860, and July 25, 1861, she contributed to the recently established *Independent* eleven poems, chiefly on subjects of Italian liberty. Sometimes, however, especially in the letters accompanying her poems, she touched on themes somewhat closer to the American people. For the issue of March 21, 1861, she wrote to the editor as follows:

My partiality for frenzies is not so absorbing, believe me, as to exclude very painful consideration on the dissolution of your great Union. But my serious fear has been, and is, not for the dissolution of the body but the death of the soul—not of a rupture of states and civil war, but at reconciliation and peace at the expense of a deadly compromise of principle. Nothing will destroy the Republic but what corrupts its conscience and disturbs its fame—for the stain upon the honor must come off upon the flag. *If, on the other hand, the North stands fast on the moral ground, no glory will be like your glory.* . . . What surprises me is that the slaves don't rise.

On this great subject Mrs. Browning found her husband in full sympathy with her. Browning himself declared in a letter to an American, September 11, 1861:

I have lost the explanation of American affairs, but I assure you of my belief in the justice and my confidence in the triumph of the great cause. For the righteousness of the principle I want no information. God prosper it and its defenders.⁷

⁶ *Letters*, II, 183.

⁷ Quoted from *Browning Society Papers*, Part XII, by Elizabeth Porter Gould in *The Brownings and America*, p. 55.

Two poems by Mrs. Browning at least have to do directly with the Negro and American affairs. One was *A Curse for a Nation* contributed to the *Poems before Congress* volume. The poet begins somewhat self-consciously:

I heard an angel speak last night,
And he said "Write!
Write a Nation's curse for me,
And send it over the Western Sea."

She protests her unwillingness to execute such a commission, for, she says,

I am bound by gratitude
By love and blood,
To brothers of mine across the sea,
Who stretch out kindly hands to me.

The angel, however, beats down this unwillingness and the curse follows, the second stanza reading:

Because yourselves are standing straight
In the state
Of Freedom's foremost acolyte,
Yet keep calm footing all the time
On writhing bond-slaves,—for this crime
This is the curse. Write.

At best, however, *A Curse for a Nation* can hardly help impressing one as a little forced. In rather higher poetic vein is the other poem, *The Runaway Slave at Pilgrim's Point*. This was contributed to *The Liberty Bell*, a publication issued by the Boston Anti-Slavery Bazar in 1848. Mrs. Browning feared that the poem might be "too ferocious for the Americans to publish." The composition is undoubtedly a strong one. It undertakes to give the story of a young Negro woman who was bound in slavery, whose lover was crushed before her face, who was forced to submit to personal violation, who killed her child that so much reminded her of her white master's face, and who at last at Pilgrim's Point defied her pursuers. With

unusual earnestness the poet has entered sympathetically into the subject. The following stanzas are typical:

But *we* who are dark, we are dark
 Ah God, we have no stars!
 About our souls in care and cark
 Our blackness shuts like prison-bars:
 The poor souls crouch so far behind
 That never a comfort can they find
 By reaching through the prison-bars.

 Why, in that single glance I had
 Of my child's face, . . . I tell you all,
 I saw a look that made me mad
 The *master's* look, that used to fall
 On my soul like his lash . . . or worse
 And so, to save it from my curse,
 I twisted it round in my shawl.

 From the white man's house, and the black man's hut,
 I carried the little body on;
 The forest's arm did round us shut,
 And silence through the trees did run:
 They asked no question as I went,
 They stood too high for astonishment,
 They could see God sit on his throne.

 (Man, drop that stone you dared to lift!—)
 I wish you who stand there five abreast,
 Each, for his own wife's joy and gift,
 A little corpse as safely at rest
 As mine in the mangoes! Yes, but *she*
 My keep live babies on her knee,
 And sing the song she likes the best.

In such a review as this of the connections between Mrs. Browning and the Negro one can not help coming face to face with the question whether her famous husband was not himself connected by blood with the Negro race. The strain is hardly so pronounced as in men like Alexandre Dumas

or Leigh Hunt, and as in the case of Alexander Hamilton, the point still seems to be waiting for final proof. The assertion is persistent, however, and there can be little doubt that such is the case. The standard life of Browning,⁸ after wrestling in vain with the problem, dismisses it as follows:

Dr. Furnivall has originated a theory, and maintains it as a conviction, that Mr. Browning's grandmother was more than a Creole in the strict sense of the term, that of a person born of white parents in the West Indies, and that an unmistakable dash of dark blood passed from her to her son and grandson. Such an occurrence was, on the face of it, not impossible, and would be absolutely unimportant to my mind, and, I think I may add, to that of Mr. Browning's sister and son. The poet and his father were what we know them, and if Negro blood had any part in their composition, it was no worse for them, and so much the better for the Negro.

Aside from this last point, from the evidence that has been given, while this of course has its limitations, we may safely assert that with her large humanity and her enthusiasm for liberty, Elizabeth Barrett Browning was one of the sturdiest defenders in England of the cause of the American Negro at the time of the beginning of the Civil War. It is to be regretted that she did not live to read the Emancipation Proclamation and to see the Negro started on an era of self-reliance and progress.

BENJAMIN BRAWLEY

⁸ Mrs. Sutherland Orr, *Life and Letters of Robert Browning*. 2 vols. Houghton Mifflin Co., Boston, 1891. Vol. I, p. 8.

SLAVERY IN CALIFORNIA

Slavery in California prior to the Mexican War was slavery in the Spanish possessions. The Spaniards began with the enslavement of Indians and later at the advice of De las Casas changed to that of Negroes.¹ This system was first used in the West Indies and later extended to other colonies. It is said that about the year 1537, Cortes fitted out at the port of Tehuantepec, several small vessels, provided with everything required for planting a colony and sailed north to the head of the Gulf of California, transporting four hundred Spaniards and three hundred Negro slaves, that he had assembled for that purpose.² This is the first mention of Negro slavery in California. After the founding of the Mission of San Carlos by the president, Father Junipero Serra, with a community of twenty-three friars, we read that the first interment in the cemetery was that of Ignacio Ramirez, a former mulatto slave from San Antonio, who had money to purchase his freedom.³ There were too a number of Negro slaves brought to California between these periods. They came on trading ships and with various expeditions, which they usually deserted after reaching the State. Hittell is wrong, therefore, in saying that the first slave in California was brought there in 1825 when the wife of Antonio José de Cot, a Spaniard, brought with her a slave girl named Juana, fourteen years of age, from Lima to San Francisco. He doubted even that this was the first slave in California for the lady expressed her intention to avail herself of the first opportunity to leave.⁴

Spain did not especially bother about Negro slavery in her Pacific coast territory for nearly two hundred years be-

¹ Bourne, "*Spain in America*," 271.

² *California Miscellany*, I, 9.

³ Bancroft, "*History of California*," I, 175; *Place Notices*, I, 151.

⁴ Hittell, "*History of California*," II, 115.

fore the coming of the Americans. She promised by the treaty of September 30, 1817, to abolish the slave trade October 31, 1820, in all Spanish territory. In 1821, however, certain of the northern colonies of Spain in America established their independence as the United States of Mexico.⁵ Three years later the importation of slaves from foreign countries was prohibited and children of slave parents were declared free. Notwithstanding this there set in considerable emigration from the Southern States followed by an agitation for the acquisition of Texas. In 1827, therefore, Coahuila and Texas were organized as a State with a law prohibiting slavery. As this, however, did not check the immigration, President Guerrero issued a decree⁵ in 1829 abolishing slavery in Mexico on the occasion of the celebration of the independence of Mexico and in 1830 ordered a military occupation of the State to enforce the anti-slavery measure.⁴ But the aggressive southerner ever endeavoring to extend the territory of slavery had all but won the day in Texas. In 1836 Texas declared itself a republic with a constitution permitting the introduction of slavery and forbidding the residence of free Negroes without the consent of its Congress. Then came the Mexican War resulting in the defeat of Mexico and the cession to the United States of a vast territory of which California was the most valuable part.

It is clear, therefore, that at the time the United States government acquired the territory of California from Mexico, slavery had been abolished there nearly twenty years. The pro-slavery party, however, did not consider this action of Mexico a finality in the settlement of the slavery question in the new possessions. When a bill providing for the purchase of this territory was laid before the house, David Wilmot, of Pennsylvania, after consultation with other northern democrats, offered the following amendment:

⁵ Garrison, "*Westward Extension*," 26.

"Provided that an express and fundamental condition to the acquisition of any territory from the republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime whereof the party shall first be duly convicted."⁶

This proviso was adopted by a vote of 83 to 64. The bill carrying this proviso was then reported to the Senate where followed a heated debate which lasted until adjournment, the proviso being killed in the midst of stormy scenes in Congress.⁷ This discussion showed that few statesmen believed that slavery would be profitable in California. They were not unlike Daniel Webster who, while speaking on the admission of the State of Texas, said that slavery was effectually excluded from California and New Mexico by a law even superior to that which admits and sanctions it in Texas. He meant the law of nature. The physiographic conditions of the country would forever exclude African slavery there; and it needed not the application of a proviso. If the question was then before the Senate he would not vote "to add a prohibition—to reaffirm an ordinance of nature, nor reenact the will of God."⁸

The coming and going of the Negro in California did not especially interest any one until the beginning of the immigration of the forties. The subject of slavery in California was officially called to the attention of the inhabitants through the issuance of a proclamation by the Commander in Chief of the District in regard to the unlawful enslaving of the Indians. He was endeavoring to protect them, but they were enslaved⁹ in spite of his efforts. The

⁶ *Cong. Globe*, 29 Cong., 2 Sess., 509.

⁷ Garrison, "*Westward Extension*," 254-268, 284-314. *Cong. Globe*, 29 Cong., 2d Sess., 178, 453, 455; 30 Cong., 1st Sess., 875, 989, 910, 1002-1005, 1062, 1081; 2d Sess., 216, 381.

⁸ Tuthill, "*Hist. of California*," 312, 316.

⁹ PROCLAMATION TO THE INHABITANTS OF CALIFORNIA.

It having come to the knowledge of the Commander in Chief of the District that certain persons have been and still are imprisoning and holding to service

legislature undertook to perpetuate this system by enacting a law permitting the enslavement of Indians, the only condition upon the master being a bond of a small sum, that he would not abuse or cruelly treat the slaves. Under the provision of the same law, Indians could be arrested as vagrants and sold to the highest bidder within twenty-four hours after the arrest, and the buyer had the privilege of the labor for a period not exceeding four months.¹⁰ An Indian arrested for a violation of a law could demand a jury trial, but could not testify in his own behalf against a white person. If found guilty of any crime, he could either be imprisoned or whipped, the whipping not to exceed twenty-four lashes.¹¹

Later there was a steady influx of southerners and their Negro slaves into the territory of California, after the country was taken over by the United States. Then came the question as to the enslavement of the Negro. The situation became serious after the Congress of the United States appropriated three millions of dollars for the purchase of the new territory, and still more so after gold was discovered there. Mexican rule ended with the cession of the territory to the United States; and yet session after session of Congress adjourned without giving California a territorial

Indians against their will and without any legal contract for service. It is thereby ordered that all persons so holding or detaining Indians shall release them, and permit them to return to their own homes. Unless they can make a contract with them which shall be binding upon both parties. The Indian population must not be regarded in the light of slaves, but it is deemed necessary that the Indians within the settlement shall have employment, with the right of choosing their own master and employment. Having made such a choice they must abide by it, unless they can obtain permission in writing to leave, or the Justice in their complaint shall consider they have just cause to annul the contract and permit them to obtain another employee. All Indians must be required to obtain service and not be permitted to wander about the country in idleness in a dissolute manner. If found doing so they will be liable to arrest and punishment by labor on the public works at the direction of the Magistrate. All officers, Civil or Military under my command are required to execute the terms of this order and take notice of every violation thereof.—Given at headquarters in Yerba Buena.—Signed, John Montgomery. Sept. 15, 1846. Published for the Government of all concerned. Washington A. Bartlett, Magistrate of San Francisco, Sept. 15, 1846.—*California Star*, Sept. 15, 1846.

¹⁰ *California Laws*, 1849-50, p. 408.

¹¹ *Ibid.*, p. 408.

form of government. The question of slavery in the newly acquired territory divided Congress so that they could not decide the issue. Southern newspapers were advertising for slave-owners to send names and the number of slaves they were taking to California to found a *New Colony*.¹²

The settlers were divided. Some came because they either disliked slavery, or were too poor to own slaves. They recognized the possibilities for making California a free State and did not care to be designated *Poor White Trash* by masters who were being allowed to fill the State with Negro slaves to constitute the basis of an aristocracy like that in the South. There were other inhabitants in California at the time who, being slave-owners, were southern sympathizers. They were determined either to have slavery in California or make a desperate effort before seeing the territory given up as a free State.¹³ It did not require very much investigation, however, to show that the pro-slavery party was in the minority. The editor of the *Californian* said in May, 1848, that he voiced the sentiments of the people in California in saying that slavery was neither needed nor desired there. A correspondent of this paper hoping to hold that section for free labor said: "If white labor is too high for agriculture, laborers on contract may be brought from China." Referring to the proposal to make the commonwealth a slave State Buckelew said: "We have not heard one of our acquaintance in this country advocate this measure and we are almost certain that 97-100 of the present population are opposed to it." Again it is remarked in this paper: "We left the slave states because we did not like to bring up a family in a miserable, can't-help-one's-self condition," and dearly as he loved the union, he would prefer California independent to seeing her a slave State.¹⁴

The lack of law and order and fear of the southern slave-owners with their herds of Negro slaves finally led to the

¹² Bancroft, "*History of California*," VI, p. 313.

¹³ *Ibid.*, p. 313.

¹⁴ *The Californian*, March 16 and Nov. 4, 1848.

call of the Constitutional Convention. The question of slavery there was not so much debated in that body as was expected. Some excited pro-slavery leaders were talking of an independent *Pacific Republic*. The southern faction in the convention was led by a Mr. Gwyn, who afterwards became a United States Senator from California, and the northern element was ably represented by a Mr. Broderick, who later was chosen State Senator.¹⁵ The convention finally drafted their constitution with a section which provided that "neither slavery nor involuntary servitude unless for the punishment of crime shall ever be tolerated in this state."

The pro-slavery faction in the convention was determined to have slavery somewhere and had managed to have the eastern boundary of California so designated that it extended as far as the Rocky Mountains. This would have resulted in rejection by Congress, or a division of the territory into a Northern and a Southern California, giving the pro-slavery element a new State. The unwieldy boundary, however, was discovered in time to have it changed, but not until after much debate, which almost wrecked the constitution. The California representatives elected by the convention left for Washington, where they presented to Congress the constitution and the petition of the California settlers asking for admission as a State. There had never been a precedent for their act. Yet the settlers in California felt perfectly justified, since it was their only safeguard against the pro-slavery leaders who were bringing their slaves into the territory.

Leaders at the national capital naturally hesitated, not knowing whether or not the admission of California under the conditions thus obtaining would aggravate or improve the national situation. California, however, cared little about the national situation, as is attested by the resolutions of 1850 to the effect: "That any attempts by congress to interfere with the institution of slavery in any of the territories of the United States would create just grounds of

¹⁵ Bancroft, "*History of California*," p. 287.

alarm in many of the States of the union; and that such interference is unnecessary, inexpedient, and in violation of good faith; since, when any such territory applies for admission into the union as a state, the people thereof alone have the right, and should be left free and unrestrained, to decide such question for themselves." Broderick moved the insertion of the following: "That opposition to the admission of a state into the union with a constitution prohibiting slavery, on account of such prohibition, is a policy wholly unjustifiable and unstatesmanlike, and in violation of that spirit of concession and compromise by which alone the federal constitution was adopted, and by which alone it can be perpetuated." This amendment was adopted.¹⁶

After a debate of four months Congress admitted California as a free State as one of five compromises. Jefferson Davis, however, repudiated the idea of advantage to his section. He said: "Where is the concession to the South? Is it in the admission, as a state, of California, from which we have been excluded by congressional agitation? Is it in the announcement that slavery does not and is not to exist in the remaining territories of New Mexico and California? Is it in denying the title of Texas to one half of her territory?" He held that gold washing and mining was particularly adapted to slave labor, as was agriculture that depended on irrigation.¹⁷ The day after the admission certain southern senators sent to that body a *Protest* against the injustice of the act of Congress, admitting California as a free State. The Senate refused the clerk permission either to read or record it. Whereupon the newspapers began publishing articles of severe criticism and talked of dividing the Union. Jefferson Davis went before the United States Senate and, addressing it, called attention to these comments, adding that so much outside criticism was doing more to divide the Union than the *Protest* would possibly do. Congress finally voted that the *Protest* be recorded.¹⁸

¹⁶ *Jour. Cal. Leg.*, 1850, 372-373.

¹⁷ *Cong. Globe*, 1849-50, App., pt. I, 149-157.

¹⁸ Tuthill, "*History of California*," p. 320.

Was this to be a free State in every sense of the word? This was the day when the slave power "was covertly grasping at the Spanish-speaking countries beyond the Rio Grande, as it had at the lands beyond the Sabine."¹⁹ At first, it was not, for a good many slaves were brought into the State. On April 1, 1850, an advertisement appeared in the *Jackson Mississippian* referring to *California, the Southern Slave Colony* and inviting citizens of slave-holding States, wishing to go to California, to send their names, number of slaves, time of contemplated departure, etc., to the *Southern Slave Colony*, of Jackson, Mississippi. The design was to settle in the richest parts of the State and to secure an uninterrupted enjoyment of slave property. The colony was to comprise about 5,000 white persons and 10,000 slaves.

Another effort to extend slavery in this section came in the unsuccessful filibustering expedition of the Tennessee lawyer, William Walker, who undertook to establish to the south in Sonora, a State with a constitution like that of Louisiana, basing his advocacy of slavery on the lofty grounds of civilizing the blacks and liberating the whites from manual labor. To explain the meaning of this expedition Bancroft considers it sufficient to point out that Jefferson Davis was Secretary of War at that time and that the Gadsden purchase was then under consideration.²⁰ In 1852 Peachy of San Joaquin introduced a resolution to allow fifty southern families to immigrate into California with their slaves. Some of them came without permission but on finding that they could not legally hold their slaves, they sent a part of them back while others became free.

In 1852 the Legislature passed a rigid Fugitive Slave Law intending to bar slavery from the State. The mischievous clause of this measure was that all slaves who had escaped into or were brought to California previous to the admission of the State to the Union were held to be fugitives, and were liable to arrest under the law, although

¹⁹ Bancroft, "*History of California*," VI, pp. 252-253.

²⁰ *Ibid.*, p. 595.

many of them had been in the State several years, during which they had accumulated considerable property. The pro-slavery element not only profited by this, but the interpretation of this law by many of the Judges enabled them to bring their slaves into the State, work them in the mines, and return to the south and back to slavery with their Negroes.²¹

If they did not wish the trouble of their return passage they auctioned them off to the highest bidder. It also

²¹ Many Negroes were returned to slavery by the Courts. An owner of slaves in Mississippi brought them voluntarily into California before the adoption of the Constitution by the State. The slaves asserted their freedom and for some months were engaged in business for themselves. The owner under the provision of the Fugitive Slave Act of 1852 brought them before the Justice of Peace, who allowed the claim of the owners and ordered them into his custody. The slaves then petitioned for a writ of habeas corpus which came before the Supreme Court and after hearing the case the Court ordered that the writ be dismissed and the slaves remanded to their owners.—*California Reports*, II, 424-426.

The case of Alvin Coffey is equally as interesting. This account was given by a lifelong friend of the subject.

Alvin Coffey was born in 1822, in Saint Louis, Missouri. He came to California with his sick master, a Mr. Duvall, who landed in San Francisco, September 1, 1849. They went to Sacramento, October 13, 1849. During the next eight months the slave earned for his master \$5,000, working in the mines, and by washing for the miners and mining for himself after night, he earned \$700 of his own. As the master continued in poor health he decided to return with Alvin to Missouri at the expiration of two years. When they reached Kansas City, Missouri, the master sold Alvin to Nelson Tindle, first taking from him the \$5,000, earned for the master, and also the \$700 earned for himself.

Nelson Tindle took a great liking to Alvin and in a short time made him overseer over a number of slaves. Alvin, however, longed to return to California and, in order to earn his freedom, bought his time from his master and took contracts to build railroads. One day Nelson Tindle said to Alvin that he was too smart a man to be a slave and ought to try and purchase his freedom. Whereupon Alvin told him if he would let him return to California, he could easily earn enough money to effect the purchase. Alvin was permitted to return to California, and in a short time sent his master the \$1,500 to pay for his freedom. Alvin then undertook to earn the money to pay for the freedom of his wife and daughters, who were slaves of Doctor Bassett, of Missouri. He earned the required sum and returned for his family. After paying for their freedom, he went with them to Canada, where he left his daughters to be educated. He and his wife Mahalia came to California. It cost him for the freedom of himself and family together with the trips to and from California about \$7000. See Bancroft, "*History of California*," VI, p. 382.

enabled them to make fortunes by selling to the slaves their freedom, charging them twice and often thrice the price he could have possibly brought on the other side of the Rocky Mountains.²² In certain southern counties of the State it was unpopular to speak in behalf of the slaves. In 1855 Chase and Day, two Abolitionists of Alameda County, were ridden on a rail, ducked and otherwise maltreated.²³ That same year expired the Fugitive Slave Law which had been renewed from year to year to enable slave-owners to reclaim fugitives who had sought refuge in that State prior to its admission to the Union. Fearing that this might be followed by other legislation hostile to their class, the Negroes held a convention in San Francisco that year to discuss their rights, their treatment by the white people, politics, principles and necessity of education. The Fugitive Slave Law was not reenacted.

²² Some of these cases are more than interesting. Daniel Rodgers came across the plains with his master from Little Rock, Arkansas, worked in the mines in Sonora, California, during the day for his master and at night for himself, earning and paying his master \$1,100 for his freedom. Soon afterward the master returned with him to Little Rock and sold him. A number of the leading white gentlemen of Little Rock raised a sum of money, paid for his freedom and set him free. William Pollock and wife from North Carolina came to California with their master who located at Cold Springs, Coloma, California. He paid \$1,000 for himself and \$800 for his wife. The money was earned by washing for the miners at night and making doughnuts. They removed to Placerville, California, and afterward earned their living as caterers. In 1849, a slaveholder brought his slave to California. Not wishing to take the Negro back to his native State, Alabama, he concluded to sell him by auction. An advertisement was put in the papers, the boy was purchased for \$1,000, by Caleb T. Fay, a strong abolitionist, who gave the boy his freedom.

A Mississippi slaveholder brought several slaves from that State and promised to give them their freedom in two years. They all ran away save one, Charles Bates, when they learned that they were already free. The owner, finding mining did not pay, started east, taking Charles with him. On the Isthmus of Panama, Charles was persuaded to leave his master. He returned to California and to Stockton with his true friend. On the street one day he was recognized by a party who had lent money to Charles's master. The debtor got out an attachment for the former slave as chattel property, and according to the State law, the Negro was put up and sold at auction. A number of anti-slavery men bought the boy for \$750 and gave him his freedom.—*California Reports*, I, 424-426.

²³ Bancroft, "*History of California*," VI, p. 716.

Many slaves, however, asserted their rights. Such was the case of Archy, a slave brought by one Charles A. Stoval from Mississippi to California in 1857. After hiring Archy out for some time Stoval undertook to return him to Mississippi. Archy escaped and was arrested as a fugitive. Stoval sued out a writ of habeas corpus for his possession and the case came before the Supreme Court for adjudication. Peter Burnett, formerly Governor, who had been appointed justice of that court by Governor Johnson in 1857 and filled the office until 1858, presided. As Burnett was a southern man, his decision was foreshadowed. He decided that although Stoval could not sustain the character of either a transient traveler or a visitor and under the general law was not entitled to Archy, but he yet held that there were circumstances connected with the particular case that might exempt him from the operation of the rules laid down. One of the circumstances was that Stoval was traveling for his health; another, that he was short of means upon arrival in California; and still another, that this was the first case of the kind. He, therefore, ordered Archy to be turned over to Stoval. Joseph G. Baldwin, who succeeded Burnett, characterized the decision as "giving the law to the North and the Negro to the South."²⁴ After being delivered to Stoval, Archy was taken to San Francisco, but his friends there sued out a writ of habeas corpus for his liberation before Judge Thomas W. Freelon, of the County of San Francisco. While this case was pending, however, Stoval swore to a new affidavit that Archy escaped from him in Mississippi and procured a warrant from George Pen Johnston, United States Commissioner, for his arrest as a fugitive slave from Mississippi. Archy was then discharged by Judge Freelon. He was immediately rearrested and taken before George Pen Johnston, who decided that Archy was in no sense a fugitive from Mississippi and discharged him.²⁵

²⁴ Bancroft, "*History of California*," VI, p. 716.

²⁵ *Ibid.*, VI, p. 716.

The tendency to free the Negroes brought there checked the importation of that class. The rights of the master to his slave, however, were not easily relinquished and the institution of slavery in California did not come to an end until 1872. Freedom, however, had to win and the pro-slavery element had to change its policy. In 1856 and 1857 efforts were made to call a convention to change the constitution so as to permit the importation of slaves, for with the expiration of the Fugitive Slave Law in 1855, slave-owners who held minors had to return them to slave States or let them go free. Since the Negroes brought into the State could in most cases become free the pro-slavery party then sought to get rid of the free Negro.

In his message to the legislature in 1850, Governor Burnett recommended the exclusion of free Negroes. This was always Burnett's hobby. He incorporated this into the laws of Oregon when he revised them in 1844. Burnett had been brought up in the South and although he had ceased to be a slaveholder, he could not think of living with Negroes as freemen. The exclusion of the blacks too had a sort of popular appeal in it. The legislature, however, was divided on the question as to what should be done with the free Negro. A bill in compliance with the wishes of the Governor was introduced but defeated. Undaunted by this, however, the enemy of the free Negroes won a victory in another quarter in enacting a law that no black or mulatto person or Indian should be permitted to give evidence in any action to which a white person was a party. The leaders of the Negroes held another convention in 1856 to protest against this law. Another bill providing for the prohibition of the immigration of free persons of color into the State was introduced in 1858 and after much debate put through both houses, but it never became a law. The black code, of course, was abrogated after the Civil War.

DELILAH L. BEASLEY

DOCUMENTS

CALIFORNIA FREEDOM PAPERS¹

To determine the sources of the Negroes first brought into California their treatment by the whites and the methods employed to obtain their freedom no documents are more valuable than the manumission papers found in the archives of that State. These throw much light also on the personal history of Negroes, many of whom later became useful citizens of that State.

E. H. TAYLOR

to

DENNIS AVIERY

SLAVE RELEASE

TO ALL WHOM IT MAY CONCERN; This is to certify that Dennis

Aviery has been my Slave in the State of Georgia for about the term of eight years but by virtue of money to me in hand paid he is free and Liberated from all allegiance to my authority.

Coloma Eldorado county California Feb.8,1851

Witness GEORGE SCALL

STATE OF CALIFORNIA

S.S.

ELDORADO Co.

On this eight day of February, A.D.1851 personally appeared before me the recorder of said County. E. H. Taylor, satisfactory proved to me to be the person discribed in and who executed the foregoing instrument of liberating his negro slave by the oath of George Scall, a competent witness for that purpose by me duly sworn and the said E. H. Taylor acknowledged that he executed the same freely and voluntarily for the use and purposes therein mentioned. In testimony the thereof, I, John A. Reichart; Recorder

¹ These Documents were collected by Miss D. L. Beasley and M. N. Work.

for the said county have hereunto signed my name, and affixed the seal of said office at Coloma this day of year first above written

JOHN A. REICHART *Recorder of Eldorado county*

Filed for Recording February, 8, 1851 at 9, oclock A.M.

J. A. REICHART Recorder's office Record Book²

SAMUEL GRANTHAN

to

DEED OF MANUMISSION

ALECK LONG

STATE OF CALIFORNIA

ELDORADO COUNTY

Know all men by these presents that I Samuel Grantham of the county and state aforesaid, acting by power of Attorney vested in me by S. Oliver Grantham of St Louis, State of Missouri, acting for and in behalf of said S. Oliver Grantham, and in consideration of the sum of four hundred dollars to me in hand paid the same to receive to the benefit of the said Oliver Grantham have this day liberated, set free and fully and effectually manumitted, Aleck Long. Heretofore a slave for life—the lawful property of the said Thomas Grantham. The description of said Aleck Long, being as follows to wit: about fifty-seven years old; five feet, ten inches in height, gray hair dark complexion with a scar on the inside of the left leg above the ankle.—The said Aleck Long to enjoy and possess now and from hence forth the full exercise of all rights, benefits and privileges of a free man of color free of all or any claim to servitude, slavery or service of the said S. A. Grantham, his heirs, Executors, and assigns and all other persons claiming or to claim forever.

In Testimony of this seal of Manumission, I have this day signed my name and affixed my seal this 2nd day of March 1852.

SAMUEL A. GRANTHAN

Attorney for State of California

COUNTY OF ELDORADO.

Personally appeared before me William Palmer who makes oath and says that Samuel Grantham, whose name appears in the accompanying Seal of Manumission as a party thereto did freely

² *Miscellany*, p. 35.

voluntarily and of his own will execute to and subscribe the same for the uses and purpose therein contained.

Witness my hand and seal this day of March, 1852. A.D. at 4.P.M.

J. A. REICHART

Recorder of Eldorado County California

GAVEN D. HALL (S.S.)

Judge of Eldorado county

Eldorado county Recorder's office, Record Book.³

A. J. HOUSTIS

County Judge of Humboldt County⁴

FREE PAPERS OF THE SLAVE

WASHINGTON,—from FRANKLIN STEWART

STATE OF CALIFORNIA, COUNTY OF BUTTE—

Know all men by these presents that Franklin Stewart of the County and State aforesaid do, for and in consideration of seventeen years of faithful service of my slave Washington, rendered by him in the State of Arkansas and Missouri, hereby set free and emancipate him the said slave, his age about thirty-three years, color slight copper and relinquish all rights in the said slave Washington which I might be entitled to in law or equity.

Given under my hand and seal this day 4th of May A.D.1852

Eldorado county Recorder's office

Record Book, "A"

TAYLOR BARTON

to

EMANCIPATION

NEGRO BOB

STATE OF CALIFORNIA

ELDORADO COUNTY S.S.

Know all men to whom these presents shall come; That I, Taylor Barton lately a citizen of the State of Missouri and owner of slaves, do here by this instrument under my hand and seal given

³ *Miscellany*, p. 545.

⁴ This paper is from the collection of 105 in the Court House at Eureka. Austin Wiley, whose name appears in the document, was later appointed Superintendent of Indian Affairs for California; and during his term of office did much to bring to a satisfactory termination the trouble then existing between the settlers and the natives.

this ninth day of October, in the year of our Lord eighteen hundred and fifty one set free from bondage to me and all men my slave Bob, and do declare him forever hereafter his own man wherever he may go. Nevertheless I make this condition that the said Bob shall remain with me as my slave faithful and obedient unto me until the twenty-fifth day of December next, commonly known as Christmas.

Witness my hand and seal on the day and date aforesaid
this date.

TAYLOR BARTON (S.S.)

WILLIAM F. EMERSON

December, 25th 1851

I do hereby, declare My Slave Bob, to be forever free from and after
this date.

TAYLOR BARTON (S.S.)

In the presence of I. G. Canfield,

Justice of the Peace.

Filed for Record

January 5th 1852, at 4.p.m.

JOHN A. REICHART, *Recorder of Eldorado County California.*⁵

ELDORADO

STATE OF CALIFORNIA

COUNTY OF MARIPOSA.

Know all men to whom these presents shall come that, I Thomas Thorn of the State and County aforesaid being the rightful owner of the Negro man Peter Green and entitled to his service as a slave during his life have this day released and do by these presents release him from any further service as a slave. And I do by these presents from myself, my heirs, Executors and Administrators declare him, the said Peter Green to be free to act for himself and no longer under bonds as a slave. Provided however that the said Peter Green, shall pay to me the sum of one thousand dollars, good lawful money or work for and serve me from the present time until one year from and after the first day of April next being until the first day of April A.D. 1854

In Testimony whereof, I have here unto affixed my hand and Scroll for Seal at Quartzburge this day 5th of February A.D. one thousand eight hundred and fifty three.

THOMAS THORN (Seal)

In the presence of Benjamine F.Ropp. P.Cadell, jr. Joseph A Tiry I hereby notify that the above obligation has been complied with and that Peter Green was legally discharged.

⁵ *Miscellany*, p. 541.

Given under my hand at Quarzburge this 7th day of August,
A.D. 1855.

JAMES GIVENS
*Justice of the Peace.*⁶

This indenture made and entered into this 14th day August, A.D.1860 between A.J.Houstis as county Judge of Humboldt County for and in behalf of a certain Indian boy called and known by the name of "Smoky" of the first part and Austin Wiley, of the said county of the second part. That Whereas the said Austin Wiley had in his possession and under his control a certain Indian boy named "Smoky" And whereas the said Austin Wiley avers that he with the assistance of James Frint obtained said Indian of their parents in Mattole valley of this county, by and with their consent. And whereas the said Austin Wiley does now apply to me as County Judge to bond and apprentice the said boy "Smoky" to him according to law to learn the art of household duties about his premises and in this respect to hold the relation of an apprentice until he shall arrive at the lawful majority, the age of twenty-five years, or for the term of seventeen years next following this indenture, the boy being now considered eight years of age. And whereas it appears to me that the second party in this agreement has obtained this boy in a lawful manner without fraud or oppression and that the boy "Smoky" therefore comes justly under the first provision of the law providing for apprenticeship approved April, 8th A.D.1860.

Now therefore I, A. J. Houstis, County Judge Aforesaid, in consideration of the premises and acting for and on behalf of the said Indian boy "Smoky" do by these presents bind and apprentice as above stated the said boy "Smoky" to Austin Wiley for and during the term of seventeen years next following this indenture entitling him according to law to have the care custody, control and earnings of said boy during said period and all other advantages and responsibilities growing out of this indenture and apprenticeship, that the law contemplates. And the said Austin Wiley, the second part in his agreement doth hereby agree, obligate and bind himself that he will truly and faithfully discharge all obli-

⁶ These are freedom papers as recorded in the California County Court records, and as they have been found by the California Archivist, Mr. Owen Coy.

gations on his part growing out of this indenture according to law. That he will suitably clothe and provide the necessities of life for the said boy during his term of indenture. That he will in all respects treat him in a human manner. That he will not take him out of this state nor transfer him to any party not known in this agreement without the consent of legal authorities endorsed thereon and that in all respects she will carry out every provision of law that contemplates the safety, protection and well being of said boy.

In witness whereof the parties of this indenture hereunto set their hand and seal this date first above written.

A.J.HOUSTIS

County Judge

First party

AUSTIN WILEY,

Second party

STATE OF CALIFORNIA

HUMBOLDT COUNTY

And now comes Austin Wiley and deposes as follows:

The statement made by me in the preamble to this indenture referring to the age of the Indian boy "Smoky" and the manner in which I obtained him are true to the best of my knowledge and belief

AUSTIN WILEY

Sworn to and subscribed before me on this 14th day of August
A.D.1860

A. J. HOUSTIS

County Judge of Humboldt County.

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES. } ss.

Before the Hon. Benjamin Hayes,
Judge of the District Court of
the 1st Judicial District, State
of California, County of Los Angeles.¹

In the matter of Hannah and her children, Ann (and Mary, child of Ann), Lawrence, Nathaniel, Jane, Charles, Marion, Martha and an infant boy two weeks old, and of Biddy and her children Ellen, Ann and Harriet, on petition for Habeas Corpus.

¹ This court record was obtained by Mr. W. N. Work.

Now on this nineteenth day of January in the year of our Lord, one thousand eight hundred and fifty-six, the said persons above named are brought before me, in the custody of the Sheriff of said County, all except the said Hannah and infant boy two weeks old, (who are satisfactorily shown to be too infirm to be brought before me,) and except Lawrence who is necessarily occupied in waiting on his said Mother, Hannah) and Charles (who is absent in San Bernardino County, but within the said Judicial District:) and said Robert Smith, Claimant also appears with his Attorney, Alonzo Thomas, Esq. And after hearing and duly considering the said petition for Habeas Corpus and the return of said Claimant thereto and all the proofs and allegations of the said parties and all the proceedings previously had herein, it appearing satisfactorily to the judge here, that all the said persons so suing in this case, to-wit: Hannah and her said children and Biddy and her said Children are persons of color, and that Charles, aged now six years, was born in the Territory of Utah of the United States, and Marion (aged four years,) Martha (aged two years) Mary, daughter of the said Ann and aged two years and the said infant boy aged two weeks, were born in the State of California and that the said Hannah, Ann, Lawrence, Nathaniel, Jane and Charles, as well as the said Biddy, Ellen, Ann and Harriet, have resided with the said Robert Smith for more than four years and since some time in the year of our Lord one thousand eight hundred and fifty-one, in the State of California; and it further appearing that the said Robert Smith left and removed from the State of Mississippi more than eight years ago with the intention of not returning thereto, but of establishing himself as a resident in Utah Territory, and more than four years ago left and removed from said Utah Territory, with the intention of residing and establishing himself in the State of California and has so resided in said last mentioned State since some time in the year of our Lord one thousand eight hundred and fifty-one. And it further appearing by satisfactory proof to the Judge here, that all the said persons of color are entitled to their freedom and are free and cannot be held in slavery or involuntary servitude, it is therefore adjudged that they are entitled to their freedom, and are free forever. And it further appearing to the satisfaction of the Judge here that the said Robert Smith intends and is about to remove from the state of California, where slavery does not exist, to the state of

Texas, where slavery of Negroes and persons of color does exist and is established by the municipal laws, and intends to remove said before mentioned persons of color to his own use, without the free will and consent of all or any of the said persons of color, whereby their liberty will be greatly jeopardized, and there is good reason to apprehend and believe that they may be sold into slavery or involuntary servitude, and the said Robert Smith is persuading and enticing and seducing, said persons of color to go out of the State of California and to be taken and removed therefrom with the false promise held out to them that they will be as free in the State of Texas as in the State of California. And it further appearing that none of said persons of color can read and write, and are almost entirely ignorant of the laws of the State of California, as well as those of the State of Texas, and of their rights, and that the said Robert Smith from his past relations to them as members of his family, possesses and exercises over them an undue influence in respect to the matter of their said removal insomuch that they have been in duress and not in possession and exercise of their free will so as to give a binding consent to any engagement or arrangement with him. And it further appearing that the said Hannah, is aged thirty-four years, and her daughter, Ann, seventeen years, and all her other children, to-wit: Lawrence, (aged from twelve to thirteen years) Nathaniel (aged from ten to eleven years, Jane, (aged eight years) Charles (aged six years) Marion (aged four years) Martha, (aged two years) and said infant boy of Hannah aged two weeks, as well as Mary (aged two years), daughter of said Ann, are under the age of fourteen years and so under the laws of the State of California are not competent to choose a Guardian for themselves; and it further appearing that the said Biddy is aged thirty-eight years, and the said Ellen is aged seventeen years, and the other children of said Biddy, to-wit: Ann (aged from twelve to thirteen) and Harriet (aged eight years) are under the age of fourteen years, and so by the laws of the State of California are not competent to choose a Guardian for themselves. It further appearing that the said infant boy two weeks of age of Hannah is of tender age and must be kept with his said mother Hannah, the same is accordingly ordered, and said infant boy is entrusted to his said mother hereby, and is ordered to appear with him before the Judge here at the Court House in the City of Los Angeles on next Monday January 1, 1856 at 10 o'clock A.M. of

said day if her health shall so permit and if not, as soon thereafter as may be practicable of which the Sheriff of Los Angeles is hereby notified to notify her the said Hannah and whereof the said Robert Smith, being now in the Court has notice, it appearing that she resides in his house and is under his control. And the said Mary, child of Ann appearing to be of tender age, is entrusted to the said Ann to be brought before the Judge here at the time and place aforesaid to be dealt with according to law of which the said Ann and the said Robert Smith have notice here, and the said Martha being of tender years is entrusted to the said Ann, her sister, to be brought before the Judge here at the time and place aforesaid to be dealt with according to law of which the said Ann and the said Robert Smith here have notice and the said Hannah and Ann are appointed Special Guardians respectively of the children so hereby entrusted to them, and notified that it is their duty to obey all lawful orders of the Judge here or of some competent Court touching the premises. And the further hearing of this case as to the said Hannah and infant boy and her child, Lawrence and her children Charles and Mary and Martha is adjourned until said last mentioned time at the Court House of the City of Los Angeles, and it is further ordered that the said Nathaniel (aged from ten to twelve years) Jane (aged eight years) Marion (aged four years) all children of said Hannah, and said child Ann (aged from twelve to thirteen years) and Harriet (aged eight years) are committed to the custody of the Sheriff of Los Angeles County, David W. Alexander, Esq., as especial Guardian until the further order of the Judge here or of other Judge or Court of competent Jurisdiction to appoint General Guardians of aforesaid Children last mentioned, and the said Sheriff will leave in full liberty and discharge the said Biddy and her child Ellen (aged Seventeen years) and the said Ann only being required to obey the said order herinbefore made to appear before the Judge here in manner and form as aforesaid. And it further appearing that the said Charles is absent in San Bernardino County, within said Judicial District. It is ordered that Robert Clift, Esq. Sheriff of said County be and he is hereby appointed Special Guardian of said Charles and as such duly authorized and required to take said Charles in his custody and him safely keep in such manner that said Charles shall not be removed out of the State of California, but shall abide the further order of the Judge here or other Judge or Court of competent Jurisdiction

touching his Guardianship. And it is further ordered and adjudged that all the costs accrued in the case up to the present date and in executing the present order of the Judge here as to the production of the said Hannah and her said infant two weeks old and said Lawrence, Martha and Mary before the Judge here as aforesaid shall be paid by the Said Robert Smith.

Given under my hand as Judge of the first Judicial District of the State of California on this 19th day of January, A. D. 1856, at the City of Los Angeles.

BENJAMIN HAYES,
District Judge.

On this 19th day of January appears the said Robert Smith by his attorney, Alonzo Thomas, Esq., and moves the Judge hereto the costs in this case which is taken under advisement until Monday next at 10 o'clock, A.M.

BENJAMIN HAYES,
District Judge.

On this Monday, January 21st, 1856 the said Smith and the said parties so ordered to appear as aforesaid do not appear and this cause is continued until tomorrow at 10 o'clock, A.M.

BENJAMIN HAYES,
District Judge.

THOMAS JEFFERSON'S THOUGHTS ON THE NEGRO

I

Jefferson, like a number of liberal-minded men of his time, execrated the slave trade and as the following extracts will show held it as a grievance against the British.

During the regal government we had, at one time, obtained a law which imposed such a duty on the importation of slaves as amounted nearly in a prohibition, when one inconsiderate assembly, placed under a peculiarity of circumstance, repealed the law. This repeal met a joyful sanction from the then reigning sovereign, and no devices, no expedients which could ever be attempted by subsequent assemblies (and they seldom met without attempting them) could succeed in getting the royal assent to a renewal of the duty. In the very first session held under the republican government, the assembly passed a law for the perpetual prohibition of the importation of slaves. This will, in some measure, stop the increase of this great political and moral evil, while the minds of our citizens may be ripening for a complete emancipation of human nature.¹

The abolition of domestic slavery is the great object of desire in those Colonies, where it was, unhappily, introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his Majesty's negative: Thus preferring the immediate advantages of a few British corsairs to the lasting interests of the American States, and to the rights of human nature, deeply wounded by this infamous practice.²

With the same thought as that of the views expressed above Jefferson incorporated into the original Declaration

¹ Ford edition of *Jefferson's Writings*, III, p. 102.

² "*Rights of British America*," Ford edition of *Jefferson's Writings*, I, p. 440.

of Independence an indictment of George III as promoting the ruin of the colonies in encouraging the slave trade. He said:

He (George III) has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL powers, is the warfare of the CHRISTIAN KING of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people upon whom he has obtruded them; thus paying off former crimes committed against the LIBERTIES of one people, with crimes which he urges them to commit against the lives of another.³

II

Influenced by the struggle for the rights of man, Jefferson seriously advocated freeing the Negroes, that they too might work out their own destiny on foreign soil. He did not think that it would be wise to leave the freedmen in this country controlled by white men by whom he believed they should not be assimilated.⁴ The first time he had an opportunity, therefore, he made an effort in this direction. This was the case of his work in connection with the committee appointed to revise the laws of Virginia, the report of which he prepared.

Jefferson said:

³ "This clause," says Jefferson; in his Autobiography (I, p. 19), "was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it. Our northern brethren, also, I believe, felt a little tender under those censures; for though their people had very few slaves themselves, yet they had been pretty considerable carriers of them to others."

⁴ "Their amalgamation with the other color," said he, "produces a degradation to which no lover of excellence in the human character can innocently consent.—Ford edition of *Jefferson's Writings*, IX, p. 478.

The bill reported by the revisors of the whole (Virginia) code does not itself contain the proposition to emancipate all slaves born after the passing the act; but an amendment containing it was prepared, to be offered to the Legislature whenever the bill should be taken up, and further directing, that they should continue with their parents to a certain age, then to be brought up, at the public expense, to tillage, arts or sciences, according to their geniuses, till the females should be eighteen, and the males twenty-one years of age, when they should be colonized to such place as the circumstances of the time should render most proper, sending them out with arms, implements of household and of the handicraft arts; seeds, pairs of the useful domestic animals, &c., to declare them a free and independent people, and extend to them our alliance and protection, till they shall have acquired strength; and to send vessels at the same time to other parts of the world for an equal number of white inhabitants; to induce them to migrate hither, proper encouragements were to be proposed.⁵

Discussing the serious difficulties of the problem, he compared that of the Romans with the situation in the colonies:

This unfortunate difference of color, and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their advocates, while they wish to vindicate the liberty of human nature, are anxious also to preserve its dignity and beauty. Some of these, embarrassed by the question; "What further is to be done with them?" join themselves in opposition with those who are actuated by sordid avarice only. Among the Romans emancipation required but one effort. The slave, when made free, might mix with, without straining the blood of his master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture.⁶

Writing to John Lynch in 1811, Jefferson gave his ideas as to the possibility of successful African colonization.

You ask my opinion on the proposition of Mrs. Mifflin, to take measures for procuring, on the coast of Africa, an establishment to which the people of color of these States might, from time to time

⁵ Ford edition of *Jefferson's Writings*, III, p. 243.

⁶ *Ibid.*, III, p. 250.

be colonized, under the auspices of different governments. Having long ago made up my mind on this subject, I have no hesitation in saying that I have ever thought it the most desirable measure which could be adopted, for gradually drawing off this part of our population, most advantageously for themselves as well as for us. Going from a country possessing all the useful arts, they might be the means of transplanting them among the inhabitants of Africa, and would thus carry back to the country of their origin, the seeds of civilization which might render their sojournment and sufferings here a blessing in the end to that country.⁷

Nothing is more to be wished than that the United States would themselves undertake to make such an establishment on the coast of Africa. Exclusive of motives of humanity, the commercial advantages to be derived from it might repay all its expenses. But for this, the national mind is not yet prepared. It may perhaps be doubted whether many or these people would voluntarily consent to such an exchange of situation, and very certain that few of those advanced to a certain age in habits of slavery, would be capable of self-government. This should not, however, discourage the experiment, not the early trial of it.⁸

I received in the first year of my coming into the administration of the General Government, a letter from the Governor of Virginia (Colonel Monroe), consulting me, at the request of the Legislature of the State, on the means of procuring some such asylum, to which these people might be occasionally sent. I proposed to him the establishment of Sierra Leone, in which a private company in England had already colonized a number of negroes and particularly the fugitives from these States during the Revolutionary War; and at the same time suggested, if this could be obtained, some of the Portuguese possessions in South America, as next most desirable. The subsequent Legislature approving these ideas, I wrote, the ensuing year, 1802, to Mr. King, our Minister in London, to endeavor to negotiate with the Sierra Leone company a reception of such of these people as might be colonized thither. He opened a correspondence with Mr. Wedderbourne and Mr. Thornton, secretaries of the company, on the subject, and, in 1803, I received through Mr. King the result, which was that the colony was going on, but in a languishing condition; that the funds of the company were likely to fail, as they received no returns of profit to

⁷ Ford edition of *Jefferson's Writings*, IX, p. 303.

⁸ *Ibid.*, IX, p. 304.

keep them up; that they were, therefore, in treaty with their government to take the establishment off their hands; but that in no event should they be willing to receive more of these people from the United States, as it was exactly that portion of their settlers which had gone from hence, which, by their idleness and turbulence, had kept the settlement in constant danger of dissolution, which could not have been prevented but for the aid of the maroon negroes from the West Indies, who were more industrious and orderly than the others, and supported the authority of the government and its laws. . . . The effort which I made with Portugal, to obtain an establishment for them within their claims in South America, proved also abortive.*

In this extract Jefferson goes a step further in presenting a scheme for financing the project, giving even the exact amount which he thought would suffice.

In the disposition of these unfortunate people, there are two rational objects to be distinctly kept in view. First. The establishment of a colony on the coast of Africa, which may introduce among the aborigines the arts of cultivated life and the blessings of civilization and science. By doing this, we may make to them some retribution for the long course of injuries we have been committing on their population. And considering that these blessings will descend to the *nati natorum et qui nascentur ab illis*, we shall in the long run have rendered them perhaps more good than evil. To fulfil this object, the colony of Sierra Leone promises well, and that of Mesurado adds to our prospect of success. Under this view the Colonization Society is to be considered as a missionary society, having in view, however, objects more humane, more justifiable, and less aggressive on the peace of other nations than the others of that appellation. The second object, and the most interesting to us, as coming home to our physical and moral characters, to our happiness and safety, is to provide an asylum to which we can, by degrees, send the whole of that population from among us, and establish them under our patronage and protection, as a separate, free and independent people, in some country and climate friendly to human life and happiness. That any place on the coast of Africa should answer the latter purpose, I have ever deemed entirely impossible. And without repeating the other arguments which have

* Ford edition of *Jefferson's Writings*, IX, p. 303.

been urged by others, I will appeal to figures only, which admit no controversy.¹⁰

There is, I think, a way in which (the removal of the slaves to another country) can be done; that is by emancipating the after-born, leaving them, on due compensation, with their mothers, until their services are worth their maintenance, and then putting them to industrious occupations until a proper age for deportation. This was the result of my reflections on the subject five and forty years ago, and I have never yet been able to conceive any other practicable plan. It was sketched in the *Notes of Virginia*. The estimated value of the new-born infant is so low (say twelve dollars and fifty cents) that it would probably be yielded by the owner gratis, and would thus reduce the six hundred millions of dollars, the first head of expense, to thirty-seven millions and a half; leaving only the expenses of nourishment while with the mother, and of transportation.¹¹

From what fund are these expenses to be furnished? Why not from that of the lands which have been ceded by the very States now needing this relief? And ceded on no consideration, for the most part, but that of the general good of the whole. These cessions already constitute one-fourth of the States of the Union. It may be said that these lands have been sold; are not the property of the citizens composing these States; and the money long ago received and expended. But an equivalent of lands in the territories since acquired may be appropriated to that object, or so much, at least, as may be sufficient; and the object, although more important to the slave States, is highly so to the others also, if they were serious in their arguments on the Missouri question. The slave States, too, if more interested, would also contribute more by their gratuitous liberation, thus taking on themselves alone the first and heaviest item of expense.¹²

As the proper place for the colonization of emancipated blacks seemed quite a problem, almost any seemingly desirable place was recommended. Santo Domingo proved to be attractive after the bloody scenes of the revolution had passed away.

¹⁰ Ford edition of *Jefferson's Writings*, X, p. 290.

¹² *Ibid.*, X, p. 291.

In the plan sketched in the *Notes on Virginia*, no particular place of asylum was specified; because it was thought possible that in the revolutionary state of America, then commenced, events might open to us some one within practicable distance. This has now happened. Santo Domingo has become independent, and with a population of that color only; and if the public papers are to be credited, their Chief offers to pay their passage, to receive them as free citizens, and to provide them employment. This leaves, then, for the general confederacy, no expense but that of nurture with the mother for a few years, and would call, of course, for a very moderate appropriation of the vacant lands. . . . In this way no violation of private right is proposed.¹³

III

In his *Notes on Virginia* Jefferson discusses all of the phases of slavery as they appeared to him at that time. He took up the justification of the institution of slavery among the Romans, the enslavement of the Indian and the Negroes, the cause of the increase in slaves, and the effects of the same on both the masters and the enslaved.¹⁴

An inhuman practice once prevailed in this country, of making slaves of the Indians. This practice commenced with the Spaniards with the first discovery of America.¹⁵

Under the mild treatment our slaves experience, and their wholesome, though coarse food, this blot in our country increase as fast, or faster than the whites.¹⁶

We know that among the Romans, about the Augustan age especially, the condition of their slaves was much more deplorable

¹³ Ford edition of *Jefferson's Writings*, X, p. 292.

¹⁴ To General Chastellux, who had proposed to publish in a French scientific paper certain extracts from Jefferson's *Notes on Virginia*, he wrote the following in 1785:

The strictures on slavery (in the *Notes on Virginia*) . . . I do not wish to have made public, at least till I know whether their publication would do most harm or good. It is possible, that in my own country, these strictures might produce an irritation, which would indispose the people towards (one of) the two great objects I have in view; that is, the emancipation of their slaves.—Ford edition of the *Writings of Jefferson*, III, p. 71.

¹⁵ Ford edition of *Jefferson's Writings*, III, p. 154.

¹⁶ *Ibid.*, III, p. 192.

than that of the blacks on the continent of America. The two sexes were confined in separate apartments, because to raise a child cost the master more than to buy one. Cato, for a very restricted indulgence to his slaves in this particular, took from them a certain price. But in this country the slaves multiply as fast as the free inhabitants. . . . The same Cato, on a principle of economy, always sold his sick and superannuated slaves. He gives it as a standing precept to a master visiting his farm, to sell his old oxen, old wagons, old tools, old and diseased servants, and everything else become useless. . . . The American slaves cannot enumerate this among the injuries and insults they receive. It was the common practice to expose in the island Æsculapius, in the Tiber, diseased slaves whose cure was likely to become tedious. The Emperor Claudius, by an edict, gave freedom to such of them as should recover, and first declared that if any person chose to kill rather than expose them, it should be deemed homicide. The exposing them is a crime of which no instance has existed with us; and were it to be followed by death, it would be punished capitally. We are told of a certain Vedius Pollio, who, in the presence of Augustus, would have given a slave as food to his fish for having broken a glass. With the Romans, the regular method of taking the evidence of their slaves was under torture. Here it has been thought better never to resort to their evidence. When a master was murdered, all his slaves, in the same house, or within hearing, were condemned to death. Here punishment falls on the guilty only, and as precise proof is required against his as against a freeman. Yet notwithstanding these and other discouraging circumstances among the Romans, their slaves were often their rarest artists. They excelled, too, in science, insomuch as to be usually employed as tutors to their master's children. Epictetus, Terence, and Phœdrus, were slaves. But they were of the race of whites. It is not their condition then, but nature which has produced the distinction. Whether further observation will or will not verify the conjecture, that nature has been less bountiful to them in the endowments of the head, I believe that in those of the heart she will be found to have done them justice.¹⁷

That disposition to theft with which they have been branded, must be ascribed to their situation, and not to any depravity of the moral sense. The man in whose favor no laws of property exist, probably feels himself less bound to respect those made in favor of

¹⁷ Ford edition of *Jefferson's Writings*, II, p. 247.

others. When arguing for ourselves, we lay it down as a fundamental, that laws, to be just, must give a reciprocation of right; that, without this, they are mere arbitrary rules of conduct, founded in force, and not in conscience; and it is a problem which I give to the master to solve, whether the religious precepts against the violation of property were not framed for him as well as his slave? And whether the slave may not as justifiably take a little from one who has taken all from him, as he may slay one who would slay him? That a change in the relations in which a man is placed should change his ideas of moral right or wrong, is neither new, nor peculiar to the color of the blacks. Homer tells us it was so two thousand six hundred years ago.¹⁸

The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But, generally, it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to the worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execrations should the statesman be loaded, who, permitting one-half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the *amor patriæ* of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another; in which he must lock up the faculties of his nature, contribute as far as depends on his inhuman race, or entail his own miserable condition on the endless generations proceeding from him.¹⁹

Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the peo-

¹⁸ Ford edition of *Jefferson's Writings*, II, p. 249.

¹⁹ *Ibid.*, III, p. 266.

ple that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest.²⁰

With the morals of the people, their industry also is destroyed. For in a warm climate, no man will labor for himself who can make another labor for him. This is so true that of the proprietors of slaves a very small proportion indeed are ever seen to labor.²¹

It is impossible to be temperate and to pursue this subject through the various considerations of policy, or morals, of history, natural and civil. We must be contented to hope they will force their way into every one's mind. . . . The way, I hope, is preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.²²

IV

During the early part of Jefferson's public career he did not have a good opinion of the Negro and his possibilities. This is his attitude as expressed in his *Notes on Virginia* in 1782, whenever he referred to the Negro. Ignorant of the fact that science shows that no race is superior to another, Jefferson considered the blacks inferior to the Indians, believed that they lacked literary ability, the finer senses of other races and although exhibiting a little aptitude in music were both physically and mentally inferior to the whites.

It will probably be asked, why not retain and incorporate the blacks into the State, and thus save the expense of supplying by importation of white settlers, the vacancies they will leave? Deep-rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances will divide us into parties, and produce con-

²² Ford edition of *Jefferson's Writings*, III, p. 267.

vulsions, which will probably never end but in the extermination of the one or the other race.²⁴

To these objections, which are political may be added others, which are physical and moral. Whether the black of the negro resides in the reticular membrane between the skin and scarf-skin, or in the scarf-skin itself; whether it proceeds from the color of the blood, the color of the bile, or from that of some other secretion, the difference is fixed in nature, and is as real as if its seat and cause were better known to us. And is this difference of no importance? Is it not the foundation of a greater or less suffusions of color in the one, preferable to that eternal monotony, which reign in the countenances, that immovable veil of black which covers all the emotions of the other race? Add to these, flowing hair, a more elegant symmetry of form, their own judgment in favor of the whites, declared by their preference of them, as uniformly as is the preference of the Oranootan for the black woman over those of his own species. The circumstance of superior beauty, is thought worthy attention in the propagation of our horses, dogs, and other domestic animals; why not in that of man? Besides those of color, figure, and hair, there are other physical distinctions proving a difference of race. They have less hair on the face and body. They secrete less by the kidneys, and more by the glands of the skin, which gives them a very strong and disagreeable odor. This greater degree of transpiration renders them more tolerant of heat, and less of cold than the whites. Perhaps, too, a difference of structure in the pulmonary apparatus, which a late ingenious experimentalist (Crawford) has discovered to be the principal regulator of animal heat, may have disabled them from extricating, in the act of inspiration, so much of that fluid from the outer air, or obliged them in expiration, to part with more of it.²⁵

They seem to require less sleep. A black, after hard labor through the day, will be induced by the slightest amusements to sit up till midnight, or later, though knowing he must be out with the first dawn of the morning.²⁶

In general, their existence appears to participate more sensation than reflection. To this must be ascribed their disposition to sleep when abstracted from their diversions, and unemployed in labor. An animal whose body is at rest, and who does not reflect, must be disposed to sleep of course.²⁷

²⁴ Ford edition of *Jefferson's Writings*, III, p. 244.

²⁷ *Ibid.*, III, p. 245.

Their griefs are transient. Those numberless afflictions, which render it doubtful whether Heaven has given life to us in mercy or in wrath, are less felt, and sooner forgotten with them.²⁸

Comparing them by their faculties of memory, reason, and imagination, it appears to me that in memory they are equal to the whites; in reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid; and that in imagination they are dull, tasteless, and anomalous. It would be unfair to follow them to Africa for this investigation. We will consider them here, on the same stage with the whites, and where the facts are not apocryphal on which a judgment is to be formed. It will be right to make great allowances for the difference of condition, of education, of conversation, of the sphere in which they move. Many millions of them have been brought to, and born in America. Most of them, indeed, have been confined to tillage, to their own homes, and their own society; yet many of them have been so situated that they might have availed themselves of the conversation of their masters; many of them have been brought up to the handicraft arts, and from that circumstance have always been associated with the whites. Some have been liberally educated, and all have lived in countries where the arts and sciences are cultivated to a considerable degree, and have had before their eyes samples of the best works from abroad. The Indians, with no advantages of this kind, will often carve figures on their pipes not destitute of design and merit. They will crayon out an animal, a plant, or a country, so as to prove the existence of a germ in their minds which only wants cultivation. They astonish you with strokes of the most sublime oratory; such as prove their reason and sentiment strong, their imagination glowing and elevated. But never yet could I find that a black had uttered a thought above the level of plain narration; never saw ever an elementary trait of painting or sculpture.²⁹

In music they are more generally gifted than the whites, with accurate ears for tune and time, and they have been found capable of imagining a small catch. Whether they will be equal to the composition of a more extensive run of melody, or of complicated harmony, is yet to be proved.³⁰

Misery is often the parent of the most affecting touches in poetry. Among the blacks is misery enough, God knows, but no

²⁸ Ford edition of *Jefferson's Writings*, III, p. 245.

²⁹ *Ibid.*, III, p. 245.

³⁰ *Ibid.*, III, p. 246.

poetry. Their love is ardent, but it kindles the senses only, not the imagination. Religion, indeed, has produced a Phyllis Wheatley; but it could not produce a poet. The compositions published under her name are below the dignity of criticism. The heroes of the Dunciad are to her, as Hercules to the author of that poem.³¹

Ignatius Sancho has approached nearer to merit in composition (than Phyllis Wheatley); yet his letters do more honor to the heart than the head. They breathe the purest effusions of friendship and general philanthropy, and show how great a degree of the latter may be compounded with strong religious zeal. He is often happy in the turn of his compliments, and his style is easy and familiar, except when he affects a Shandean fabrication of words. But his imagination is wild and extravagant, escapes incessantly from every restraint of reason and taste, and, in the course of its vagaries, leaves a tract of thought as incoherent and eccentric, as is the course of a meteor through the sky. His subjects should often have led him to a process of sober reasoning; yet we find him always substituting sentiment for demonstration. Upon the whole, though we admit him to the first place among those of his own color who have presented themselves to the public judgment, yet when compare him with the writers of the race among whom he lived and particularly with the epistolary class in which he has taken his own stand, we are compelled to enroll him at the bottom of the column. This criticism supposes the letters published under the name to be genuine, and to have received amendment from no other hand; points which would not be of easy investigation.³²

The improvement of the blacks in body and mind, in the first instance of their mixture with the whites, has been observed by every one, and proves that their inferiority is not the effect merely of their condition in life.³³

The opinion that they are inferior in the faculties of reason and imagination, must be hazarded with great diffidence. To justify a general conclusion, requires many observations, even where the subject may be submitted to the anatomical knife, to optical glasses, to analysis by fire or by solvents. How much more then where it is a faculty, not a substance, we are examining; where it eludes the research of all the senses; where the conditions of its existence are various and variously combined; where the effects of those which

³¹ Ford edition of *Jefferson's Writings*, III, p. 246.

³² *Ibid.*, III, p. 247.

³³ *Ibid.*, III, p. 247.

are present or absent bid defiance to calculation; let me all too, as a circumstance of great tenderness, where our conclusion would degrade a whole race of men from the rank in the scale of beings which their Creator may perhaps have given them. To our reproach it must be said, that though for a century and a half we have had under our eyes the races of black and or red men, they have never yet been viewed by us as subjects of natural history. I advance it, therefore, as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind. It is not against experience to suppose that different species of the same genus, or varieties of the same species, may possess different qualifications. Will not a lover of natural history, then, one who views the gradations in all the races of animals with the eye of philosophy, excuse an effort to keep those in the department of man as distinct as nature has formed them?²⁴

He was impressed, however, with the integrity of the Negroes and paid them the following tribute:

Notwithstanding these considerations which must weaken their respect for the laws of property, we find among them numerous instances of the most rigid integrity, and as many as among their better instructed masters, of benevolence, gratitude, and unshaken fidelity.²⁵

V

In later years it seems that Jefferson changed from his position of certainty as to the inferiority of the Negro to that of doubt. At one time he believed in the possibilities of the Negro and then again he receded from that position to take up the argument that the blacks lack the capacity with which the whites are endowed. Jefferson shows that he was either ill-informed or insincere. Writing to General Chastellux in 1785 concerning the future of the Negro Jefferson remarked:

I have supposed the black man, in his present state might not be in body and mind equal to the white man; but it would be haz-

²⁴ Ford edition of *Jefferson's Writings*, III, p. 249.

²⁵ *Ibid.*, III, p. 249.

ardous to affirm, that, equally cultivated for a few generations, he would not become so.³⁶

To Benjamin Banneker, the surveyor and astronomer, who was regarded by some as his friend, he addressed the following in 1791:

Nobody wishes more than I do to see such proofs as you exhibit, that nature has given to our black brethren talents equal to those of the other colors of men, and that the appearance of a want of them is owing merely to the degraded condition of their existence, both in Africa and America. . . . I have taken the liberty of sending your Almanac to Monsieur de Condorcet, Secretary of the Academy of Sciences at Paris, and member of the Philanthropic Society, because I considered it as a document to which your color had a right for their justification against the doubts which have been entertained of them.³⁷

Jefferson's letter to the Marquis de Condorcet presented Banneker's attainments as evidence of the mental capacity of Negroes. He said:

We have now in the United States a Negro, the son of a black man born in Africa and a black woman born in the United States, who is a very respectable mathematician. I procured him to be employed under one of our chief directors in laying out the new Federal City on the Potomac and in the intervals of his leisure, while on that work, he made an almanac for the next year, which he sent me in his own handwriting, and which I enclose to you. I have seen very elegant solutions of geometrical problems by him. Add to this that he is a very worthy and respectable member of society. He is a free man. I shall be delighted to see these instances of moral eminence so multiplied as to prove that the want of talents observed in them, is merely the effect of their degraded condition, and not proceeding from any difference in the structure of the parts on which intellect depends.³⁸

In a letter to Banneker himself concerning the achievements of this astronomer and mathematician, Jefferson said:

³⁶ Ford edition of *Jefferson's Writings*, III, p. 138.

³⁷ *Ibid.*, V, p. 377.

³⁸ *Ibid.*, V, p. 379.

Nobody wishes more ardently than I do to see a good system commenced for raising the condition both of their body and mind to what it ought to be, as fast as the imbecility of their present existence, and other circumstances which cannot be neglected, will admit.³⁹

A generation later he had, as this letter indicates, retained the opinion that the possibilities of the Negroes were not necessarily limited. To Henri Grégoire who had sent Jefferson a copy of his *Litterature des Nègres*, he wrote:

Be assured that no person living wishes more sincerely than I do to see a complete refutation of the doubts I have myself entertained and expressed on the grade of understanding allotted to the negroes by nature, and to find that in this respect they are on a par with ourselves. My doubts were the result of personal observation on the limited sphere of my own State, where the opportunities for the development of their genius were not favorable, and those of exercising it still less so. I expressed them, therefore, with great hesitation; but whatever be their degree of talent it is no measure of their rights. Because Sir Isaac Newton was superior to others in understanding, he was not therefore lord of the person or property of others. On this subject they are gaining daily in the opinions of nations, and hopeful advances are making towards their reestablishment on an equal footing with the other colors of the human family. I pray you, therefore, to accept my thanks for the many instances you have enabled me to observe of respectable intelligence in that race of men, which cannot fail to have effect in hastening the day of their relief.⁴⁰

Writing to Joel Barlow about the same time Jefferson showed a different attitude. He said:

Bishop Grégoire wrote to me on the doubts I had expressed five or six and twenty years ago, in the *Notes on Virginia*, as to the grade of understanding of the negroes. His credulity has made him gather up every story he could find of men of color (without distinguishing whether black, or of what degree of mixture), however slight the mention, or light the authority on which they are quoted. The whole do not amount, in point of evidence, to what

³⁹ Ford edition of *Jefferson's Writings*, V, p. 377.

⁴⁰ *Ibid.*, IX, p. 246.

we know ourselves of Banneker. We know he had spherical trigonometry enough to make almanacs, but not without the suspicion of aid from Ellicot, who was his neighbor and friend, and never missed an opportunity of puffing him. I have a long letter from Banneker, which shows him to have had a mind of very common stature indeed. As to Bishop Grégoire, I wrote him a very soft answer. It was impossible for doubt to have been more tenderly or hesitatingly expressed than that was in the *Notes on Virginia*, and nothing was or is further from my intentions, than to enlist myself as the champion of a fixed opinion, where I have only expressed a doubt. St. Domingo will, in time, throw light on the question.⁴¹

He did believe, however, in the industry of the Negroes and thought that this virtue of theirs would make their colonization possible. Concerning such a project he wrote Miss Fanny Wright in 1825:

An opinion is hazarded by some, but proved by none, that moral urgencies are not sufficient to induce the negro to labor; that nothing can do this but physical coercion. But this a problem which the present age alone is prepared to solve by experiment. It would be a solecism to suppose a race or animals created, without sufficient foresight and energy to preserve their own existence. It is disproved, too, by the fact that they exist, and have existed through all the ages of history. We are not sufficiently acquainted with all the nations of Africa, to say that there may not be some in which habits of industry are established, and the arts practiced which are necessary to render life comfortable. The experiment now in progress in St. Domingo, those of Sierra Leone and Cape Mesurado, are but beginning. Your proposition has its aspects of promise also; and should it not fully answer to calculations in figures, it may yet, in its developments, lead to happy results.⁴²

VI

Jefferson believed that the emancipation of the slaves could be effected by legislation. To this end he made several noteworthy efforts. In 1776 he submitted to the

⁴¹ Ford edition of *Jefferson's Writings*, IX, p. 261.

⁴² *Ibid.*, X, p. 344.

revolutionary convention in Virginia a constitution in which was incorporated the clause prohibiting slavery. He undertook also to induce the legislature of Virginia to take this step in 1783, and as chairman of the committee of the Congress of the Confederation appointed to draw up an ordinance for the government of the Northwest Territory, he submitted a plan providing that after the year 1800 neither slavery nor involuntary servitude should exist there. These clauses and some comments thereon follow:

No person hereafter coming into this country shall be held within the same in slavery under any pretext whatever.—Proposed Va. Constitution.⁴³

The General Assembly (of Virginia) shall not have power to . . . permit the introduction of any more slaves to reside in this State, or the continuance of slavery beyond the generation which shall be living on the 31st day of December, 1800; all persons born after that day being hereby declared free.⁴⁴—Proposed Constitution for Virginia.

After the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.⁴⁵—Proposed Ordinance of 1784.

"The clause respecting slavery," said he "was lost by an individual vote only. Ten States were present. The four Eastern States, New York and Pennsylvania, were for the clause. Jersey would have been for it, but there were but two members, one of whom was sick in his chambers. South Carolina, Maryland, and! Virginia! voted against it. North Carolina was divided, as would have been Virginia, had not one of its delegates been sick in bed."⁴⁶

"I congratulate you" said he to a coworker, "on the law of your state (South Carolina) for suspending the importation of slaves, and for the glory you have justly acquired by endeavoring to prevent it forever."⁴⁷

⁴³ Ford edition of *Jefferson's Writings*, II, p. 26.

⁴⁴ *Ibid.*, III, p. 325.

⁴⁵ *Ibid.*, III, p. 409.

⁴⁶ *Ibid.*, III, p. 471.

⁴⁷ *Ibid.*, IV, p. 410.

VII

Jefferson seemed to get further from the idea of immediate emancipation, looking upon it as a very serious problem. He tended, as the following extracts will show, to advocate lightening the burden of the slave, hoping that in the West Indies, where he thought the Negro would eventually rule absolutely, the blacks might establish governments to which freedmen gradually emancipated in the United States might be sent to shape their own destiny.

Writing to Dr. Price concerning his anti-slavery pamphlet, Jefferson said:

Southward of the Chesapeake, your pamphlet (against slavery) will find but few readers concurring with it in sentiment on the subject of slavery. From the mouth to the head of the Chesapeake, the bulk of the people will approve it in theory, and it will find a respectable minority ready to adopt it in practice; a minority which for weight and worth of character preponderates against the greater number, who have not the courage to divest their families of a property which, however, keeps their conscience unquiet. Northward of the Chesapeake, you may find here and there an opponent to your doctrine, as you may find here and there a robber and murderer; but in no greater number. In that part of America, there being but few slaves, they can easily disencumber themselves of them; and emancipation is put into such a train that in a few years there will be no slaves northward of Maryland. In Maryland, I do not find such a disposition to begin the redress of this enormity as in Virginia. This is the next State to which we may turn our eyes for the interesting spectacle of justice in conflict with avarice and oppression; a conflict wherein the sacred side is gaining daily recruits from the influx into office of young men grown, and growing up. These have sucked in the principles of liberty, as it were, with their mother's milk; and it is to them I look with anxiety to turn the fate of this question. Be not therefore discouraged. What you have written will do a great deal of good.⁴⁸

In his report to Congress of a conference with Count

⁴⁸ Ford edition of *Jefferson's Writings*, IV, p. 82.

Vergennes, Foreign Minister of France, on commerce, Jefferson wrote:

The British army, after ravaging the State of Virginia, had sent off a very great number of slaves to New York. By the seventh article of the treaty of peace, they stipulated not to carry away any of these. Notwithstanding this, it was known, when they were evacuating New York, that they were carrying away the slaves, General Washington made an official demand of Sir Guy Carleton, that he should cease to send them away. He answered, that these people had come to them under promise of the King's protection, and that that promise should be fulfilled in preference to the stipulation in the treaty. The State of Virginia, to which nearly the whole of these slaves belonged, passed a law to forbid the recovery of debts due to British subjects. They declared, at the same time, they would repeal the law, if Congress were of opinion they ought to do it. But, desirous that their citizens should be discharging their debts, they afterwards permitted British creditors to prosecute their suits, and to receive their debts in seven equal and annual payments for reimbursement.⁴⁹

1784— Jefferson's letter here to M. de Meunier on the passage of the Ordinance of 1787 shows how he either shifted from his position of regarding emancipation a serious problem to that of agitating against slavery or that he varied his correspondence to suit the person addressed. ^{failure}

There were ten States present; six voted unanimously for it, three against it, and one was divided; and seven votes being requisite to decide the proposition affirmatively, it was lost. The voice of a single individual of the State which was divided, or of one of those which were of the negative, would have prevented this abominable crime from spreading itself over the new country. Thus we see the fate of millions unborn hanging on the tongue of one man, and heaven was silent in that awful moment! But it is to be hoped it will not always be silent, and that the friends to the rights of human nature will in the end prevail.

What a stupendous, what an incomprehensible machine is man! who can endure toil, famine, stripes, imprisonment, and death itself, in vindication of his own liberty, and, the next moment, be deaf to

⁴⁹ Ford edition of *Jefferson's Writings*, IV, p. 127.

all those motives whose power supported him through his trial, and inflict on his fellow men a bondage, one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose.⁵⁰

He seemed to regard it later as a problem to be solved only by miraculous methods.

We must await with patience the workings of an overruling Providence, and hope that that is preparing the deliverance of these, our suffering brethren. When the measure of their tears shall be full, when their groans shall have involved heaven itself in darkness, doubtless a God of justice will awaken to their distress, and by diffusing light and liberality among their oppressors, or, at length, by His exterminating thunder, manifest His attention to the things of this world, and that they are not left to the guidance of a blind fatality.⁵¹

Jefferson, however, seemed to have a kind feeling for the bondmen, as these extracts will show.

I observe in your letter . . . that the profits of the whole estate (of Monticello) would be no more than the hire of the few negroes hired out would amount to. Would it be better to hire more where good masters could be got? Would it be better to hire plantations and all, if proper assurance can be provided for the good usage, of everything?⁵²

I am miserable till I shall owe not a shilling. The moment that shall be the case, I shall feel myself at liberty to do something for the comfort of the slaves.⁵³

The check on the tenants against abusing my slaves was, by the former lease, that I might discontinue it on a reference to arbitrators. Would it not be well to retain an optional right to sue them for ill-usage of the slaves or to discontinue it by arbitration, whichever you should choose at the time?⁵⁴

As far as I can judge from the experiments which have been

⁵⁰ Ford edition of *Jefferson's Writings*, IV, p. 185.

⁵¹ *Ibid.*, IV, pp. 181-185.

⁵² *Ibid.*, IV, p. 342.

⁵³ *Ibid.*, IV, p. 343.

⁵⁴ *Ibid.*, V, p. 31.

made to give liberty to, or rather, to abandon persons whose habits have been formed in slavery is like abandoning children.⁵⁵

I am decided on my final return to America to try this experiment. I shall endeavor to import as many Germans as I have grown slaves. I will settle them and my slaves, on farms of fifty acres each, intermingled, and place all on the footing of the Metayers (Medietaini) of Europe. Their children shall be brought up, as others are, in habits of property and foresight, and I have no doubt but that they will be good citizens. Some of their fathers will be so; others I suppose will need government. With these all that can be done is to oblige them to labor as the laboring poor of Europe do, and to apply to their comfortable subsistence the produce of their labor, retaining such a moderate portion of it as may be a just equivalent for the use of the lands they labor, and the stocks and other necessary advances.⁵⁶

The inculcation (in your book) on the master of the moral duties which he owes to the slave, in return for the benefits of his service, that is to say, of food, clothing, care in sickness, and maintenance under age and disability, so as to make him in fact as comfortable and more secure than the laboring man in most parts of the world, . . . gives great merit to the work, and will, I have no doubt, produce wholesome impressions.⁵⁷

In the first or second session of the Legislature after I became a member, I drew to this subject the attention of Colonel Bland, one of the oldest, ablest, and most respected members, and he undertook to move for certain moderate extensions of the protection of the laws to these people. I seconded his motion and, as a young member, was more spared in the debate; but he was denounced as an enemy of his country, and was treated with the grossest indecorum.⁵⁸

My opinion has ever been that, until more can be done for them, we should endeavor, with those whom fortune has thrown on our hands, to feed and clothe them well, protect them from ill usage, require such reasonable labor only as is performed voluntarily by freemen, and be led by no repugnances to abdicate them, and our duties to them. The laws do not permit us to turn them loose, if that were for their good; and to commute them for other property is to commit them to those whose usage of them we cannot control.⁵⁹

⁵⁵ Ford edition of *Jefferson's Writings*, V, p. 66.

⁵⁶ *Ibid.*, V, p. 67.

⁵⁷ *Ibid.*, IX, p. 329.

⁵⁸ *Ibid.*, IX, p. 477.

⁵⁹ *Ibid.*, IX, p. 479.

Jefferson was opposed to slavery, but he hesitated to take certain steps against it because of public opinion.

I am very sensible of the honor you propose to me of becoming a member of the society for the abolition of the slave trade. You know that nobody wishes more ardently to see an abolition, not only of the trade, but of the condition of slavery; and certainly nobody will be more willing to encounter every sacrifice for that object. But the influence and information of the friends to this proposition in France will be far above the need of my association. I am here as a public servant, and those whom I serve, having never yet been able to give their voice against this practice, it is decent for me to avoid too public a demonstration of my wishes to see it abolished. Without serving the cause here, it might render me less able to serve it beyond the water. I trust you will be sensible of the prudence of those motives, therefore, which govern my conduct on this occasion.⁶⁰

I have received a letter from Mr. Thomas Brannagan, . . . Philadelphia, asking my subscription to the work announced in the enclosed paper.⁶¹ The cause in which he embarks is so holy, the sentiments he expresses in his letter so friendly, that it is highly painful to me to hesitate on a compliance which appears so small. But that is not its true character, and it would be injurious even to his views, for me to commit myself on paper by answering his letter. I have most carefully avoided every public act of manifestation on that subject. Should an occasion ever occur in which I can interpose with decisive effect, I shall certainly know and do my duty with promptitude and zeal. But, in the meantime, it would only be disarming myself of influence to be taking small means. The subscription to a book on this subject is one of those little irritating measures, which, without advancing its end at all, would, by lessening the confidence and good will of a description of friends composing a large body, only lessen my powers of doing them good in the other great relations in which I stand to the public. Yet, I cannot be easy in not answering Mr. Brannagan's letter, unless he can be made sensible that it is better I should not answer it; and I do not

⁶⁰ Ford edition of *Jefferson's Writings*, V, p. 6.

⁶¹ This refers to "Avenia; or, A Tragical Poem on the Oppression of the Human Species," an antislavery work printed in Philadelphia in 1805.—Note in the Ford edition.

know how to effect this, unless you would have the goodness . . . to enter into an explanation with him.⁶²

We have received with great satisfaction notification of the orders of his Catholic Majesty, not to permit that persons, held in slavery within the United States, introduce themselves as free persons into the Province of Florida. . . . As a consequence of the same principles of justice and friendship, we trust that your Excellency will permit, and aid the recovery of persons of the same description, who have heretofore taken refuge within your government.⁶³

The governor of East Florida informs me that he has received the King's orders, not to permit, under any pretext, that persons held in slavery in the United States introduce themselves as free, into the province of East Florida. I am happy that this grievance, which had been a subject of great complaint from the citizens of Georgia, is to be removed.⁶⁴

Jefferson thought that the Negro republics of the West Indies would become a safety valve for the United States.

I become daily more convinced that all the West India Islands will remain in the hands of the people of color, and a total expulsion of the whites sooner or later take place. It is high time we should foresee the bloody scenes which our children certainly, and possibly ourselves (south of the Potomac), have to wade through and try to avert them.⁶⁵

If something is not done, and soon done, we shall be the murderers of our own children. The "*murmura venturos nautis prudentia ventos*" has already reached us (from San Domingo); the revolutionary storm, now sweeping the globe, will be upon us, and happy if we make timely provision to give it an easy passage over our land. From the present state of things in Europe and America, the day which begins our combustion must be near at hand; and only a single spark is wanting to make that day to-morrow. If we had begun sooner, we might probably have been allowed a lengthier operation to clear ourselves, but every day's delay lessens the time we may take for emancipation. Some people derive hope from the

⁶² Ford edition of *Jefferson's Writings*, VIII, p. 351.

⁶³ *Ibid.*, V, p. 296.

⁶⁴ *Ibid.*, V, p. 296.

⁶⁵ *Ibid.*, VI, p. 349.

aid of the confederate States. But this is a delusion. There is but one State in the Union which will aid us sincerely, if an insurrection begins, and that one may, perhaps, have its own fire to quench at the same time.⁶⁶

As to the mode of emancipation, I am satisfied that that must be a matter of compromise between the passions, the prejudices, and the real difficulties which will each have its weight in that operation. Perhaps the first chapter of this history, which has begun in St. Domingo, and the next succeeding ones, will recount how all the whites were driven from all the other islands, may prepare our minds for a peaceable accommodation between justice, policy and necessity; and furnish an answer to the difficult question, whither shall the colored emigrants go? and the sooner we put some plan under way, the greater hope there is that it may be permitted to proceed peaceably to its ultimate effect.⁶⁷

Jefferson finally despaired of seeing his emancipation scheme succeed.

I have long since given up the expectation of any early provision for the extinguishment of slavery among us. There are many virtuous men who would make any sacrifices to effect it, many equally virtuous who persuade themselves either that the thing is not wrong, or that it cannot be remedied, and very many with whom interest is morality. The older we grow, the larger we are disposed to believe the last party to be. But interest is really going over to the side of morality. The value of the slave is every day lessening; his burden on his master daily increasing. Interest is, therefore, preparing the disposition to be just; and this will be goaded from time to time by the insurrectionary spirit of the slaves. This is easily quelled in its first efforts; but from being local it will become general, and whenever it does, it will rise more formidable after every defeat, until we shall be forced, after dreadful scenes and sufferings, to release them in their own way, which, without such sufferings we might now model after our own convenience.⁶⁸

⁶⁶ Ford edition of *Jefferson's Writings*, VII, p. 168.

⁶⁷ *Ibid.*, VII, p. 167.

⁶⁸ *Ibid.*, VIII, p. 340.

VIII

Because of frequent insurrections in this country and the West Indies there was much talk of establishing a penal colony to which the leaders of such uprisings could be sent. With Gabriel's insurrection in Virginia in 1800 in mind, James Monroe, then Governor of Virginia, wrote Jefferson, asking him to support such a project, a resolution on which had already passed the Virginia House of Delegates. Jefferson wrote him the following:

Questions would arise whether the establishment of a (negro penal) colony within our limits, and to become a part of our Union, would be desirable to the State of Virginia itself, or to other States—especially those who would be in its vicinity. Could we procure lands beyond the limits of the United States to form a receptacle for these people? On our northern boundary, the country not occupied by British subjects, is the property of Indian nations, whose title would have to be extinguished, with the consent of Great Britain; and the new settlers would be British subjects. It is hardly to be believed that either Great Britain or the Indian proprietors have so disinterested a regard for us, as to be willing to relieve us, by receiving such a colony themselves. . . . On our western and southern frontiers, Spain holds an immense country, the occupancy of which, however, is in the Indian natives, except a few insulated spots possessed by Spanish subjects. It is very questionable, indeed, whether the Indians would sell? whether Spain would be willing to receive these people? and nearly certain that she would not alienate the sovereignty. The same question to ourselves would recur here also, as did in the first case: should we be willing to have such a colony in contact with us? However our present interests may restrain us within our own limits, it is impossible not to look forward to distant times, when our rapid multiplication will expand itself beyond those limits, and cover the whole northern, if not the southern continent, with a people speaking the same language, governed in similar forms, and by similar laws; nor can we contemplate with satisfaction either blot or mixture on that surface. Spain, France, and Portugal hold possessions on the southern continent, as to which I am not well enough informed to say how far they might meet our views. But either there or in the northern continent, should the constituted authori-

ties of Virginia fix their attention, of preference, I will have the dispositions of those powers sounded in the first instance.⁶⁶

Writing to Rufus King in 1802 Jefferson discussed in detail the feasibility of the plan.

As the expense of so distant a transportation would be very heavy, and might weigh unfavorably in deciding between the modes of punishment, it is very desirable that it should be lessened as much as is practicable. If the regulations of the place would permit these emigrants to dispose of themselves, as the Germans and others do who come to this country poor, by giving their labor for a certain time to some one who will pay their passage; and if the master of the vessel could be permitted to carry articles of commerce from this country and take back others from that, which might yield him a mercantile profit sufficient to cover the expenses of the voyage, a serious difficulty would be removed.⁷⁰

The course of things in the . . . West Indies appears to have given a considerable impulse to the minds of the slaves in . . . the United States. A great disposition to insurgency has manifested itself among them, which, in one instance, in the State of Virginia, broke out into actual insurrection. This was easily suppressed; but many of those concerned (between twenty and thirty, I believe) fell victims to the law. So extensive an execution could not but excite sensibility in the public mind, and beget a regret that the laws had not provided for such cases, some alternative, combining more mildness with equal efficiency. The Legislature of the State . . . took the subject into consideration, and have communicated to me through the Governor of the State, their wish that some place could be provided, out of the limits of the United States, to which slaves guilty of insurgency might be transported; and they have particularly looked to Africa as offering the most desirable receptacle. We might, for this purpose, enter into negotiations with the natives, on some part of the coast, to obtain a settlement; and, by establishing an African company, combine with it commercial operations, which might not only reimburse expenses, but procure profit also. But there being already such an establishment on that coast by the English Sierra Leone Company, made for the express purpose of colonizing civilized blacks to that country, it would seem better, by incorporating our emigrants with

⁶⁶ Ford edition of *Jefferson's Writings*, VIII, p. 104.

⁷⁰ *Ibid.*, VIII, p. 162.

theirs, to make one strong, rather than two weak colonies. This would be the more desirable because the blacks settled at Sierra Leone, having chiefly gone from the States, would often receive among those whom we should send, their acquaintances and relatives. The object of this letter is to ask . . . you to enter into conference with such persons, private and public, as would be necessary to give us permission to send thither the persons under contemplation. . . . They are not felons, or common malefactors, but persons guilty of what the safety of society, under actual circumstances, obliges us to treat as a crime, but which their fellings may represent in a far different shape. They will be a valuable acquisition to the settlement, . . . and well calculated to cooperate in the plan of civilization.

. . . The consequences of permitting emancipation to become extensive, unless a condition of emigration be annexed to them, furnish matter of solicitude to the Legislature of Virginia. Although provision for the settlement of emancipated negroes might perhaps be obtained nearer home than Africa, yet it is desirable that we should be free to expatriate this description of people also to the colony of Sierra Leone, if considerations respecting either themselves or us should render it more expedient. I pray you, therefore, to get the same permission extended to the reception of these as well as the (insurgents). Nor will there be a selection of bad subjects; the emancipations, for the most part, being either of the whole slaves of the master, or of such individuals as have particularly deserved well. The latter are most frequent.⁷¹

IX

He was firm to the end in his effort to abolish the slave trade.

Whatever may have been the circumstances which influenced our forefathers to permit the introduction of personal bondage into any part of these States, and to participate in the wrongs committed on an unoffending quarter of the globe, we may rejoice that such circumstances, and such a sense of them, exist no longer. It is honorable to the nation at large that their Legislature availed themselves of the first practicable moment for arresting the progress of this great moral and political error.⁷²

⁷¹ Ford edition of *Jefferson's Writings*, VIII, pp. 161, 163.

⁷² *Ibid.*, VIII, p. 119.

I congratulate you (Congress) on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day.⁷³—Sixth Annual Message.

X

In his old age Jefferson became decidedly less radical in his advocacy of abolition, contenting himself with the utterances of the nature of an academic deprecation of the evil, expressing the hope that in some way it might be eradicated, but at the same time despairing of it. Writing to Edward Coles, he said:

My sentiment on the subject of slavery of negroes have long since been in possession of the public, and time has only served to give them stronger root. The love of justice and the love of country plead equally the cause of these people, and it is a moral reproach to us that they should have pleaded it so long in vain, and should have produced not a single effort, nay I fear not much serious willingness to relieve them and ourselves from our present condition of moral and political reprobation. . . . I had always hoped that the younger generation receiving their early impressions after the flame of liberty had been kindled in every breast, and had become, as it were, the vital spirit of every American, that the generous temperament of youth, analogous to the motion of the blood, and above the suggestions of avarice, would have sympathized with oppression wherever found, and proved their love of liberty beyond their own share of it. But my intercourse with them since my return (from Europe) has not been sufficient to ascertain that they had made towards this point the progress I had hoped.⁷⁴

The hour of emancipation is advancing, in the march of time. It will come; and whether brought on by the generous energy of

⁷³ Ford edition of *Jefferson's Writings*, VIII, p. 492.

⁷⁴ *Ibid.*, IX, p. 477.

our own minds; or by the bloody process of St. Domingo, excited and conducted by the power of our present enemy (England), if once stationed permanently within our country, and offering asylum and arms to the oppressed, is a leaf of our history not yet turned over.⁷⁵

From those of the former generation who were in the fulness of age when I came into public life, which was while our controversy with England was on paper only, I soon saw that nothing was to be hoped. Nursed and educated in the daily habit of seeing the degraded condition, both bodily and mental, of those unfortunate beings, not reflecting that that degradation was very much the work of themselves and their fathers, few minds have yet doubted but that they were as legitimate subjects of property as their horses and cattle. The quiet and monotonous course of colonial life had been disturbed by no alarm, and little reflection on the value of liberty. And when alarm was taken at an enterprise on their own, it was not easy to carry them to the whole length of the principles which they invoked for themselves.⁷⁶

As to the method by which this difficult work is to be effected, if permitted to be done by ourselves, I have seen no proposition so expedient on the whole, as that of emancipation of those born after a given day, and of their education and expatriation after a given age.⁷⁷

I hope you will reconcile yourself to your country and its unfortunate condition; that you will not lessen its stock of sound disposition by withdrawing your portion from the mass; that, on the contrary, you will come forward in the public councils, become the missionary of this doctrine truly Christian, insinuate and inculcate it softly but steadily, through the medium of writing and conversation; associate others in your labors, and when the phalanx is formed, bring on the press the proposition perseveringly until its accomplishment.⁷⁸

Writing to David Barrow in 1815 about the preparation of slaves for emancipation, Jefferson said:

Unhappily it is a case for which both parties require long and difficult preparation. The mind of the master is to be apprized

⁷⁵ Ford edition of *Jefferson's Writings*, IX, p. 478.

⁷⁶ *Ibid.*, IX, p. 477.

⁷⁷ *Ibid.*, IX, p. 478.

⁷⁸ *Ibid.*, IX, p. 479.

by reflection, and strengthened by the energies of conscience, against the obstacles of self interest to an acquiescence in the rights of others; that of the slave is to be prepared by instruction and habit for self-government, and for the honest pursuits of industry and social duty. Both of these courses of preparation require time, and the former must precede the latter. Some progress is sensibly made in it; yet not so much as I had hoped and expected. But it will yield in time to temperate and steady pursuit, to the enlargement of the human mind, and its advancement in science. We are not in a world ungoverned by the laws and the power of a Superior Agent. Our efforts are in His hand, and directed by it; and He will give them their effect in his own time. Where the disease is most deeply seated, there it will be slowest in eradication. In the Northern States it was merely superficial, and easily corrected. In the Southern it is incorporated with the whole system, and requires time, patience and perseverance in the curative process. That it may finally be effected, and its process hastened, will be my last and fondest prayer.⁷⁹

In a letter to Dr. Thomas Humphreys in 1817, Jefferson expressed fear about the purchase of slaves by the United States.

The bare proposition of purchase (of the slaves) by the United States generally would excite infinite indignation in all the States north of Maryland. The sacrifice must fall on the States alone which hold them; and the difficult question will be how to lessen this so as to reconcile our fellow citizens to it. Personally, I am ready and desirous to make any sacrifice which shall ensure their gradual but complete retirement from the State, and effectually, at the same time, establish them elsewhere in freedom and safety.⁸⁰

I concur entirely in your leading principles of gradual emancipation, of establishment on the coast of Africa, and the patronage of our nation until the emigrants shall be able to protect themselves.⁸¹

Jefferson saw in the extension of slavery that which had given the institution a new aspect in lessening the difficulty by dividing it.

⁷⁹ Ford edition of *Jefferson's Writings*, IX, p. 515.

⁸⁰ *Ibid.*, X, p. 76.

⁸¹ *Ibid.*, X, p. 76.

I can say with conscious truth that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach in any *practicable* way. The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought, if, in that way, a general emancipation and *expatriation* could be effected; and, gradually, and with due sacrifices, I think it might be. But, as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in the one scale and self-preservation in the other.⁸²

Of one thing I am certain, that as the passage of slaves from one State to another, would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation, by dividing the burden on a greater number of coadjutors. An abstinence, too, from this act of power would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State, which nothing in the Constitution has taken from them and given to the General Government. Could Congress, for example, say that the non-freemen of Connecticut shall be freemen, or that they shall not emigrate into any other State?⁸³

During the closing years of his life he expressed little hope of seeing his plan of gradual emancipation carried out.

It was found that the public mind would not bear the proposition (gradual emancipation), nor will it bear it even at this day (1821). Yet the day is not distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain, that the two races, equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation, peaceably, and in such slow degree, as that the evil will wear off insensible, and their place be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in

⁸² Ford edition of *Jefferson's Writings*, X, p. 157.

⁸³ *Ibid.*, X, p. 158.

the Spanish deportation, or deletion of the Moors. This precedent would fall far short of our case.⁸⁴

In 1769, I became a member of the legislature by the choice of the country in which I live (Albemarle), and so continued until it was closed by the Revolution. I made one effort in that body for the permission of the emancipation of slaves, which was rejected; and indeed, during the regal government, nothing liberal could expect success. Our minds were circumscribed within narrow limits, by an habitual belief that it was our duty to be subordinate to the mother country in all matters of government, to direct all our labors in subservience to her interests, and even to observe a bigoted intolerance for all religions but hers. The difficulties with our representatives were of habit and despair, not of reflection and conviction. Experience soon proved that they could bring their minds to rights on the first summons of their attention. But the King's Council, which acted as another house of legislature, held their places at will, and were in most humble obedience to that will; the Governor, too, who had a negative on our laws, held by the same tenure, and with still greater devotedness to it; and, last of all, the royal negative closed the last door to every hope of amelioration.—Autobiography.⁸⁵

The first establishment (of slavery) in Virginia which became permanent, was made in 1607. I have found no mention of negroes in the Colony until about 1650. The first brought here as slaves were by a Dutch ship; after which the English commenced the trade, and continued it until the Revolutionary war. That suspended, *ipso facto*, their further importation for the present, and the business of the war pressing constantly on the legislature, this subject was not acted on finally until the year '78, when I brought in a bill to prevent their further importation. This passed without opposition, and stopped the increase of the evil by importation, leaving to future efforts its final eradication.—Autobiography.⁸⁶

Our only blot is becoming less offensive by the great improvement in the condition and civilization of that race, who can now more advantageously compare their situation with that of the laborers of Europe. Still it is a hideous blot, as well from the heteromorph peculiarities of the race, as that, with them, physical

⁸⁴ Jefferson MSS. Rayner, 164.

⁸⁵ Ford edition of *Jefferson's Writings*, I, p. 5.

⁸⁶ *Ibid.*, I, p. 51.

compulsion to action must be substituted for the moral necessity which constrains the free laborers to work equally hard. We feel and deplore it morally and politically, and we look without entire despair to some redeeming means not yet specifically foreseen. I am happy in believing that the conviction of the necessity of removing this evil gains ground with time. Their emigration to the westward lightens the difficulty by dividing it, and renders it more practicable on the whole. And the neighborhood of a government of their color promises a more accessible asylum than that from whence they came.⁸⁷

Showing the difficulty of purchase in case of the adoption of the policy, Jefferson wrote Jared Sparks in 1824:

Actual property has been lawfully vested in that form (negroes) and who can lawfully take it from the possessors?⁸⁸

Who would estimate its blessed effects? I leave this to those who will live to see their accomplishment, and to enjoy a beatitude forbidden to my age. But I leave it with this admonition,—to rise and be doing. A million and a half are within our control; but six millions (which a majority of those now living will see them attain), and one million of these fighting men, will say, “we will not go.”⁸⁹

The separation of infants from their mothers would produce some scruples of humanity. But this would be straining at a gnat, and swallowing a camel.⁹⁰

Jefferson became interested in the schemes of Miss Fanny Wright, who was endeavoring to promote gradual emancipation through an Emancipating Labor Society. He wrote her in 1825:

The abolition of the evil is not impossible; it ought never, therefore, to be despaired of. Every plan should be adopted, every experiment tried, which may do something towards the ultimate object. That which you propose is well worthy of trial. It has succeeded with certain portions of our white brethren, under the care of a Rapp and an Owen; and why may it not succeed with the man of color?

⁸⁷ Ford edition of *Jefferson's Writings*, VII, p. 310. — *Incorrect*

⁸⁸ *Ibid.*, X, p. 290.

⁸⁹ *Ibid.*, X, p. 292.

⁹⁰ *Ibid.*, X, p. 293.

At the age of eighty-two, with one foot in the grave and the other uplifted to follow it, I do not permit myself to take part in any new enterprises, even for bettering the condition of man, not even in the great one which is the subject of your letter, and which has been through life that of my greatest anxieties.⁹¹ The march of events has not been such as to render its completion practicable within the limits of time allotted to me; and I leave its accomplishment as the work of another generation.⁹²

Although Jefferson lost hope of seeing his plans carried out, this letter to Edward Everett, written near the close of his career, shows that he had not changed his attitude.

On the question of the lawfulness of slavery, that is of the right of one man to appropriate to himself the faculties of another without his consent, I certainly retain my early opinions. On that, however, of third persons to interfere between the parties, and the effect of conventional modifications of that pretension, we are probably nearer together.⁹³

⁹¹ In 1817 Jefferson had written Thomas Humphreys:

I have not perceived the growth of this disposition (to emancipate the slaves and settle them elsewhere) in the rising generation, of which I once had sanguine hopes. No symptoms inform me that it will take place in my day. I leave it, therefore, to time, and not at all without hope that the day will come, equally desirable and welcome to us as to them. Perhaps the proposition now on the carpet at Washington to provide an establishment on the coast of Africa for voluntary emigrations of people of color may be the corner stone of this future edifice.—Ford edition of Jefferson's Writings, X, p. 77.

⁹² Ford edition of *Jefferson's Writings*, X, p. 344.

⁹³ *Ibid.*, X, p. 385.

SOME UNDISTINGUISHED NEGROES

A LITTLE SLAVE BOY was intrusted with a card which he was to bear to a person to whom it was directed and so charmed was he with the beautiful inscription drawn upon it that he was seized with an unconquerable desire to learn the mystery it contained. To this end he persuaded a little boy of his master's to teach him the letters of the alphabet. He was discovered in the act and whipped. His curiosity, however, to learn the secret, which was locked up in those mysterious characters, was only increased, and he was detected in another attempt, and accordingly chastised. By this time he had so far penetrated the secret that nothing could deter him from further effort. A third time he was detected, and whipped almost to death. Still he persevered; and then to keep the matter secret, if possible, he crept into a hogshead, which lay in a rather retired place and leaving just hole enough to let in a little light, he sat there on a little straw, and thus prosecuted his object. He knew he must be whipped for being absent; and he often had to lie to conceal the cause; but such were the strivings of his noble nature, such his irrepressible longings after the hidden treasures of knowledge, that nothing could subdue them, and he accomplished his purpose.¹

EDWARD MITCHELL, a colored man, was brought from the South by President Brown of Dartmouth College. He soon indicated a desire for mental culture on being brought within its influence at college. At first there was some hesitation about admitting him as the children of southerners sometimes attended Dartmouth and one of them had recently instructed his son to withdraw should the institution admit a Negro to his classes. Mitchell was prepared for entering the Freshman class, was received as a regular student and was promoted through all other classes to a full honorable graduation. He was uniformly treated with respect by his fellow students throughout his collegiate career. Upon graduating in 1828 he was settled as a pastor of a Baptist church in the State of Vermont, where he rendered creditable service.²

¹ *The Philanthropist*, July 28, 1837.

² *Ibid.*

LUKE MULBER came to Steubenville, Ohio, in 1802, hired himself to a carpenter during the summer at ten dollars a month, and went to school in the winter. This course he pursued for three years, at the expiration of which he had learned to do rough carpenter work. Industry and economy crowned his labors with success. In 1837 he was a contractor hiring four or five journeymen, two of whom were his sons, having calls for more work than they could do. He lived in a fine brick house which he had built for himself on Fourth Street, valued at two thousand five hundred dollars and owned other property in the city. Persons who came into contact with Mulber found him a quiet, humble, Christian man, possessing those characteristics expected of a useful member of society.³

SAMUEL MARTIN, a man of color, and the oldest resident of Port Gibson, Mississippi, emancipated six of his slaves in 1844, bringing them to Cincinnati where he believed they would have a better opportunity to start life anew. These were two mulatto women with their four quadroon children, the color of whom well illustrated the moral condition of that State, in that each child had a different father and they retained few marks of their partial African descent. Mr. Martin was himself a slave until 1829. He purchased his freedom for a large sum most of which he earned by taking time from sleep for work. Thereafter he acquired considerable property. He was not a slaveholder in the southern sense of that word. His purpose was to purchase his fellowmen in bondage that he might give them an opportunity to become free.⁴

³ *The Philanthropist*, June 2, 1837.

⁴ *Cincinnati Morning Herald*, June 1, 1844.

BOOK REVIEWS

Negro Education, A Study of Private and Higher Schools for Colored People in the United States. By THOMAS JESSE JONES. United States Bureau of Education in Cooperation with the Phelps-Stokes Fund. Issued as Bulletins, 1916, Nos. 38 and 39. Government Printing Office, Washington, 1917. Vol. I, pp. 700. Vol. II, pp. 700.

This report is the result of a survey of Negro education made during the past four years under the direction of Dr. Thomas Jesse Jones, specialist in the education of racial groups, United States Bureau of Education. This is the most comprehensive and authoritative report relating to Negro education that has been made. The report covers all Negro private schools above the elementary grades. The total number of schools described is 748, of which 635 are private schools, 28 are state institutions, 68 are public high schools, and 27 are county training schools. Reports are also made on 43 special institutions such as hospitals, orphanages and reformatories.

It appears that no form of education for Negroes is satisfactorily equipped or supported. The striking facts in the study of the financial support of Negro education are, first, the wide divergencies in the per capita of public school expenditures for white and Negro children: \$10.06 for each white child and \$2.89 for each Negro child, and second, the extent to which schools for Negroes are dependent upon private aid. It also appears that the private schools provide the greater proportion of all educational opportunities above the elementary grades. They also offer practically all the instruction in agriculture, medicine and religion.

In the discussion of a program for educational development, it is pointed out that the public school authorities are responsible for elementary education and that so long as the elementary school facilities are insufficient, every phase of education above the elementary grades is seriously handicapped. With reference to secondary schools and teacher training, it is suggested that their chief effort should be to supply trained teachers for the public elementary schools. More than fifty per cent. of the teachers now in these

schools have an education less than the equivalent of six elementary grades.

In the discussion of the importance of industrial education, it is pointed out that in spite of the striking progress made in the accumulation of property, the Negroes are "still a poor people." The large percentage of women and children who have to earn a living indicates the need of elevating their economic status so that more children may attend school, and the women have a better opportunity to care for the morals and hygiene of the home. Because three fourths of the Negroes live in rural districts, instruction along agricultural lines is one of the most important phases of Negro education. "Preparation for rural life," says the report, "is the greatest problem of the white and colored people of the South."

The most radical recommendations made in the report are those relating to higher education. These recommendations are along the line of improving the facilities and raising the standards of Negro college work. The schools teaching subjects of college grade, 33 in number, are classified according to the amount of college work done, into three groups: first, colleges; second, those doing secondary and college work; and third, those schools in which some college work is offered. "Only three institutions, Howard, Fisk, and Meharry Medical, have a student body, a teaching force and equipment, and an income sufficient to warrant the characterization of college. Nearly half of the college students and practically all of the professional students are in these three institutions." It is suggested that there should be concentration on the development for Negroes of two institutions of university grade. Howard and Fisk are suggested as these two institutions. It is recommended that three institutions be developed and maintained as first class colleges. One such institution would be located at Richmond, Virginia; one at Atlanta, Georgia, and one at Marshall, Texas. A number of other institutions would be developed into junior colleges or schools doing two years of college work. In these junior colleges, large provision would be made for the training of teachers.

M. N. WORK

Los Negros Esclavos, Estudio Sociologico Y de Derecho Publico.

By FERNANDO ORTIZ, Professor in the University of Havana.
Revista Bimestere Cubana, Havana, 1916. Pp. 536.

This work, as its title signifies, is a monograph intended to show the working out of the problems of enslaving the blacks in

Cuba. The study begins with a description of the life of Cuba as conducive to the introduction of slavery and then that of the blacks themselves. Although acknowledging the difficulty of making an ethnographic study of the imported Africans, the author endeavors to trace the origin of these slaves to their native regions in Africa to determine the traits which entered into the formation of the character of the Cuban slaves. He then connects the institution with the sugar industry, which increased the demand for slaves, gave the institution an economic aspect and made the slave trade an international concern of great moment. The movement for the amelioration of the condition of the slave and the early efforts at abolition are noted only to show that these efforts proved to be insignificant when the traffic became universal and the institution reached the economic stage in the sugar colonies. The atrocities incident to the methods of the victors in the tribal wars of Africa supplying the traders frequenting the coast are duly treated. The author even gives in detail the procedure, prices and numbers.

A considerable portion of the book is concerned with the real life of the slave. Professor Ortiz believes that the punishments inflicted in Cuba were not so severe as in some other countries. He discusses the work done by the men, women and children, their habitations, food, dress and diversions. The diseases of the slave arising in adjusting themselves to the new world are also noted. Going further into the details of the life of the slaves, the author describes the urban Negroes and distinguishes this class of the bondmen from those of the plantation. He then discusses the free Negroes, who even from an early period constituted a considerable element of the black population and explains why some of them returned to Africa. The rights of all of the elements of the black population at law are mentioned so as to give the reader an idea of the black code as enforced in that island. How these classes thus kept down were moved from time to time to organize insurrections to secure their freedom, constitutes one of the chapters of the book.

On the whole it cannot be said that Professor Ortiz has shown that slavery in Cuba differed widely from what it was in some other large islands of the West Indies. He has, however, made a contribution to scholarship in showing exactly how this institution affected the life and the development of Cuba. The work is well illustrated and has an appendix of valuable documents bearing on slavery in Cuba.

C. G. WOODSON.

A Social History of the American Family, from Colonial Times to the Present. By ARTHUR W. CALHOUN, PH.D. Volume I, Colonial Period. The Arthur H. Clark Company, Cleveland, U. S. A., 1917. Pp. 348.

This work is a study in genetic sociology to be completed in three volumes. The purpose of it is to develop an understanding of the forces that have been operative in the evolution of the family institution in the United States. The author will endeavor to set forth the influences that have shaped marriage, controlled fecundity, determined the respective status of father, mother, child, attracted relative and servant, influenced sexual morality and governed the function of the family as an educational, economic, moral, and spiritual institution as also its relation to state, industry, and society in general in the matter of social control.

In this first volume of the series the effort is to show that the American family is a product of European folkways, of the economic transition to modern capitalism, and of the distinctive environment of a virgin continent. How European customs brought to America underwent modification in the new environment and how differences of population in this country may be traced to geographical differences, constitute an important part of this treatise. The reader is finally directed to see the colonial family as a property institution dominated by middle class standards and operating as an agency of social control in the midst of the social order governed by the interests of a forceful aristocracy, which shaped religion, education, politics, and all else to its own profit.

On the whole this is a valuable work. When one has finished reading this volume, however, he must get the impression that the life of the slave attached to the colonial family has not been adequately treated. Among the early colonists the African slave was connected with the family after the manner of the bondmen of families in ancient countries. The slaves, being few in number, maintained this relation until the industrial revolution throughout the modern world changed the institution from a patriarchal to an economic one. Prior to this time the slaves were treated almost as well as the children of the family. They lived under the same roof, worshipped at the same altar and in some cases were taught in the same school. Care was taken so to elevate the slave and keep him above corrupting influences as to make him not merely a tool for exploitation but a decided asset in the family economy of life. That

the slave of this type had much to do with the development of the colonial family no one will doubt.

In the chapter on servitude and sexuality in the South, the Negro slave gets negative mention. The author says that the presence of African slaves and Indians early gave rise to the problem of miscegenation. He concedes that it took some time to develop in the whites the attitude of race integrity and that the intercourse between men and women of the inferior race was never eliminated. During this period white women of the indentured servant class often yielded to miscegenation with the African male slaves and, as the author states, planters sometimes married white women servants to Negroes in order to transform the women and their offspring into slaves. The author might have added that this was especially true of Maryland.

The Readjuster Movement in Virginia. By CHARLES CHILTON PEARSON, Ph.D., Professor of Political Science in Wake Forest College. Yale University Press, New Haven, 1917. Pp. 191.

The author undertakes here to describe one of the developments in Virginia politics during the period between the Civil War and the first administration of Grover Cleveland. He considers the last fifty years of the history of Virginia the *Dark Age* during which there has been a period of radicalism followed by reaction. The Readjuster Movement was one of the independent waves of thought which characterized the reactionary period. It centered around William Mahone as the leader of an efficient machine endeavoring to readjust the State debt by compelling its creditors to share in the loss caused by the expensive internal improvement policy, the misfortunes of the Civil War and the extravagance of the Reconstruction period. It was in line with the general effort to readjust the economic and social policies of the entire country. It appealed to the people for the reason that unlike radicalism it was not obstructive of "democratic advance" in that it did not alienate the western section of the state through its attitude towards the Negro. Native in its origin, the democracy of the party was primarily intended for the whites, though the Negroes were accepted as desirable supporters. Such an independent movement was impossible until the continued defeat of the Republican party sufficiently removed the fears of the whites as to conduce to development of independent thinking. Citizens were thereafter more easily

won to the cause of thus elevating the ruined and indebted classes by transferring to the government their will that the burdens of the State should be shifted to other shoulders. The author believes that this party found ready support also for the reason that it was not only a party but a social code and a state of mind which bound the whites to united and temperate action. He does not take the position that the work of the party was accomplished without conflict between the aristocratic and democratic forces. It required a long time to remove the differences between the aristocrats composed of the leaders of the old regime and the "soldier cult" on one hand and, on the other, the democratic element composed of the westerners and upstarts whom the Civil War and Reconstruction brought to power in the east, the poor whites and the freedmen.

It is interesting to note how he accounts for the fate of the Negro voter. He says that the Negro rising with the tide of democracy was about to be incorporated into the body politic, but that the habit of implicit obedience to overseers and a boss proved too strong. "These results," says he, "seemed to necessitate and to anticipate the elimination of the Negro as a voter." The decline of the political power of the Negro in Virginia is unfortunately considered by many as due to this cause. The author is wrong to leave the reader to infer that the Negro's incapacity to participate intelligently in the affairs of the government actually led to his elimination. The demands of race prejudice impelled all southern States to reduce the Negro to a lower status just as soon as the North loosed its hold on the South.

NOTES

The local club of the Association for the Study of Negro Life and History is now making a serious study of Negro American History under the direction of Dr. Carter G. Woodson. The work was begun in November and will be completed in February. The phases of history to be considered are: *The Negro in Africa, The Enslavement of the Negro, Patriarchal Slavery in America, Slavery and the Rights of Man, The Reaction against the Negro, Slavery as an Economic Institution, The Free Negro in the United States, The Abolition Movement, The Colonization Project, Slavery and the Constitution, The Negro in the Civil War, The Reconstruction of the Southern States, The Negro in Freedom, The Negro and Social Justice.*

Dodd, Mead and Company will soon publish for Professor Benjamin G. Brawley a work entitled *The Genius of the Negro*. The aim of the book will be to set forth what the Negro has done in literature, art and the like.

Longmans, Green and Company have published *The Education of the African Native*. This will throw light on the much mooted question as to what the Europeans have done to promote the mental development of the native of the dark continent.

In the seventh volume of the *Documentos para la Historia Argentina* are found materials bearing on the *Comercio de Indias, Consulado, Comercio de Negros y Extranjeros, 1791-1809*.

The June number of the *Political Science Quarterly* contained an article *The Negro Vote in Old New York* by D. R. Fox.

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Hereafter back numbers of the Journal of Negro History will be sold for 30 cents a copy just as the current numbers. The bound volumes which have hitherto cost \$3.00 will hereafter cost only \$2.25. Subscribers may return their single numbers and obtain the bound volume for \$1.25.

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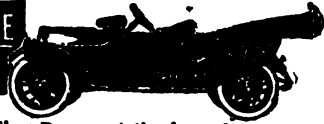
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CONTENTS

HENRY E. BAKER: <i>Benjamin Banneker, the Negro Mathematician and Astronomer</i>	99
JOHN W. DAVIS: <i>George Liele and Andrew Bryan, Pioneer Negro Baptist Preachers</i>	119
DWIGHT O. W. HOLMES: <i>Fifty Years of Howard University, Part I</i>	128
JOHN R. LYNCH: <i>More about the Historical Errors of James F. Rhodes</i>	139
DOCUMENTS:	158
<i>Letters of Governor Edward Coles bearing on the Struggle of Freedom and Slavery in Illinois.</i>	
<i>Some Undistinguished Negroes</i>	196
BOOK REVIEWS:	198
<i>BATES AND STERNS'S Harvard African Studies; JOHNSON'S Fifty Years and other Poems; ALEXANDER'S Battles and Victories of Allen Allensworth; EPSTEIN'S The Negro Migrant in Pittsburgh.</i>	
NOTES	206

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BENJAMIN BANNEKER, THE NEGRO MATHE- MATICIAN AND ASTRONOMER

The city of Washington very recently celebrated the 125th anniversary of the completion of the survey and laying out of the Federal Territory constituting the District of Columbia. This was executed under the supervision of the famous French civil engineer, Major Pierre Charles L'Enfant, as the head of a commission appointed by George Washington, then president of the United States. Serving as one of the commissioners, sitting in conference with them and performing an important part in the mathematical calculations involved in the survey, was the Negro mathematician and astronomer, Benjamin Banneker. As there did not appear to be during this celebration any disposition to give proper recognition to the scientific work done by Banneker, the writer has thought it opportune to present in this form a brief review of Banneker's life so as to revive an interest in him and point out some of this useful man's important achievements.

On a previous occasion the writer undertook to collect some data with the same object in view, and at that time he addressed a letter to the postmaster at Ellicott City, Maryland, asking to be put in touch with some one of the Ellicott family, who might furnish reliable data on the subject. In this way, correspondence was established with the family of Mrs. Martha Ellicott Tyson, of Baltimore. One of

her descendants, Mrs. Tyson Manly, kindly came over from Baltimore, and, calling on the writer at the United States Patent Office, presented him with a copy of the life of Banneker, published in Philadelphia in 1884, and compiled from the papers of Martha Ellicott Tyson, who was the daughter of George Ellicott, a member of the noted Maryland family, who established the business that developed the town of Ellicott City.

Between George Ellicott and Benjamin Banneker, Mrs. Tyson says, there existed "a special sympathy,"¹ and she further refers to her father as "the warmest friend of that extraordinary man."² Her father had many of Banneker's manuscripts, from which he intended to compile a biography of his friend, but his unusually busy commercial life afforded him no leisure in which to carry out this much cherished plan. Mrs. Tyson's account, therefore, can be relied upon as coming directly from those who, personally knowing Banneker, and living in the same community in frequent contact with him, had preserved accurate data from which to publish the true record of his life.

On a farm located near the Patapsco River, within about ten miles of the city of Baltimore, in the State of Maryland, on the 9th day of November, 1731, Benjamin Banneker was born. Various accounts are given of his ancestry. One of his biographers states that "there was not a drop of white blood in his veins,"³ another asserts with positiveness that his parents and grandparents were all native Africans.⁴ In still another sketch of Banneker's life, read before the Maryland Historical Society, on May 1, 1845, it is stated that "Banneker's mother was the child of *natives* of Africa so that to no admixture of the blood of the white man was he indebted for his peculiar and extraordinary abilities."⁴ Thomas Jefferson said that Banneker was the

¹ *The Leisure Hour*, 1863, II, p. 54.

² Tyson, *Banneker, The Afro-American Astronomer*, p. 10.

³ *The Atlantic Monthly*, XI, p. 80.

⁴ In another particular this same sketch differs from several others, namely, in locating young Banneker at "an obscure and distant country school" with no mention of the oft-repeated assertion that the school was one attended

“son of a black man born in Africa and a black woman born in the United States.”⁵

According to Mrs. Tyson's account Banneker's mother and father were Negroes, but his maternal grandmother was a white woman of English birth, who had been legally married to a native African. The antecedent circumstances of this marriage were so unusual as to justify special mention. Mollie Welsh was an English woman of the servant class, employed on a cattle farm in England where a part of her daily duty was the milking of the cows. She was one day charged with having stolen a pail of milk that had, in fact, been kicked over by a cow. The charge seems to have been taken as proved, and in lieu of a severer punishment she was sentenced to be shipped to America. Being unable to pay for her passage she was sold, on her arrival in America, to a tobacco planter on the Patapsco River to serve a term of seven years to pay the cost of her passage from England. At the end of her period of service, this Mollie Welsh, who is described as “a person of exceedingly fair complexion and moderate mental powers,” was able to buy a portion of the farm on which she had worked.⁶ In 1692,

by both white and colored children. The author of the last-mentioned sketch was evidently not sure of these two statements, and therefore did not include them. In fact, he appears not to have been quite sure of the propriety of submitting any sketch at all of this “free man of color” to the distinguished body constituting the Maryland Historical Society, for there was a clear note of apology in his opening declaration that “A few words may be necessary to explain why a memoir of a free man of color, formerly a resident of Maryland, is deemed of sufficient interest to be presented to the Historical Society.” But he justified his effort on the ground that “no questions relating to our country (are) of more interest than those connected with her colored population”; that that interest had “acquired an absorbing character”; that the presence of the colored population in States where slavery existed “modified their institutions in important particulars,” and effected “in a greater or less degree the character of the dominant race”; and “for this reason alone,” he said, “the memoir of a colored man, who had distinguished himself in an abstruse science, by birth a Marylander, claims consideration from those who have associated to collect and preserve facts and records relating to the men and deeds of the past.”—J. H. B. Latrobe in *Maryland Historical Society Publications*, I, p. 8.

⁵ Ford edition of *Jefferson's Writings*, V, p. 379.

⁶ In the memoir of Banneker, above mentioned, read before the Maryland

she purchased two African slaves from a ship in the Chesapeake Bay near Annapolis. One of these slaves named Bannaky, subsequently Anglicized as Banneker, was the son of an African king, and was stolen by slave dealers on the coast of Africa.⁷ With these two slaves as her assistants, Mollie Welsh industriously cultivated her farm for a number of years with such gratifying success that she felt impelled afterwards to release her two slaves from bondage. The slave Banneker had gained such favor in the eyes of his owner that she married him directly after releasing him from bondage, notwithstanding the fact that his record for sustained industry had not equalled that of his fellow slave, while serving their owner on her farm—a fact that was perhaps due to Banneker's natural inclination to indulge his royal prerogatives. This Banneker is described as "a man of much intelligence and fine temper, with a very agreeable presence, dignified manner and contemplative habits."⁸

There were born of this marriage four children of whom the eldest daughter, Mary, married a native African who had been purchased from a slave ship by another planter in her neighborhood. This slave was of a devout nature, and early became a member of the Church of England, receiving at his baptism the name of Robert. After baptism, Robert's master set him free. It was, therefore, as a free man that he became the husband of Mary Banneker, whose surname he adopted for his own. Four children were born to Robert and Mary Banneker, one boy and three girls, the eldest being Benjamin, the subject of this sketch.

Robert Banneker had evidently formed some of the habits of thrift evinced by his mother-in-law, Mollie Welsh, for it is on record that in 1737 within a few years after receiving his freedom he purchased a farm of 120 acres from

Historical Society in 1845, and in another memoir of Banneker, read before the same Society by Mr. J. Saurin Norris, in 1854, the estate purchased by Mollie Welsh is referred to as "a small farm near the present site of Baltimore," and "purchased at a merely nominal price." See Norris's *Memoir*, p. 3.

⁷ Norris's *Memoir*, p. 4; Williams's *History of the Negro Race*, p. 386.

⁸ Tyson, *Banneker*, p. 10.

Richard Gist, paying for it 17,000⁹ pounds of tobacco, which in those days served as a legal medium of exchange. This farm, located on the Patapsco River, within about ten miles of the town of Baltimore, thus became the Banneker homestead. Here it was that young Benjamin spent his early years and grew to manhood, assisting his father with the general work of the farm.

Banneker very early showed signs of precocity, which made him the special favorite of his maternal grandmother who took delight in teaching him to the extent of her own limited mental endowment. She taught him to study the Bible, and had him read it to her at regular intervals for the purpose of training him along religious lines of thought. He attended a small school in his neighborhood where a few white and colored children were taught by the same white schoolmaster. Until the cotton gin and other mechanical appliances made Negroes too valuable as tools of exploitation to be allowed anything so dangerous as education, there were to be found here and there in the South pioneer educators at the feet of whom even Negroes might sit and learn.¹⁰

As a boy at school young Banneker is said to have spent very little, if any, of his time in the games and frolics that constitute so large a part of the school life of the average youth. He was unusually fond of study, devoting by far the larger part of his time to reading, so that it was said of him that "all his delight was to dive into his books." His reading, however, did not take a wide range. His limited resources did not permit him to purchase the many works he desired. What Banneker lost through the lack of a variety of books, however, he tried to make up for in being a close observer of everything around him. He turned everything that he could into a channel of information and drew upon all possible sources to keep himself posted on the general activities of his community and beyond. In this way, "he

⁹ It is elsewhere given as 7,000, but the earlier record seems to be the correct one.

¹⁰ *Atlantic Monthly*, XI, p. 81.

became gradually possessed of a fund of general knowledge which it was difficult to find even among those who were far more favored by opportunity than he was."¹¹

Although Banneker had by this time begun to ingratiate himself into the favor of the very best element in his community solely through his demonstration of mental superiority, he did not permit his unusual popularity and his love of study to render him any less helpful to his father in the cultivation of the farm. He proved himself to be just as industrious in farming as he was diligent in studying. When his father died in 1759, leaving to Benjamin and his mother, as joint heirs, the dwelling in which they lived, together with 72 acres of land,¹² Benjamin was fully prepared to assume control of affairs on the estate, and make it yield a comfortable living for him and his mother. His father had divided the remaining 28 acres of the original farm among the three daughters who also survived him. His farm was said to be one of the best kept farms in his neighborhood. It was well stocked, containing a select assortment of fruit trees, a fine lot of cattle, and a specially successful apiary.

Young Banneker's diligent reading of the books at his command served to develop his mental powers rapidly, giving him a retentive memory, correct forms of speech and a keen power of analysis. This faculty grew largely out of his special fondness for the study of mathematics, by which he acquired unusual facility in solving difficult problems. He early won the reputation of being the smartest mathematician not only in his immediate neighborhood but for miles around. He was often seen in the midst of a group of neighbors whom he constantly astounded by the rapidity and accuracy with which he would solve the mathematical puzzles put to him. This caused such widespread comment that he frequently received from scholars in different parts of the country, desiring to test his capacity, mathematical

¹¹ Latrobe, *Memoir*, *Maryland Historical Society Publications*, I, p. 7.

¹² *Ibid.*, I, p. 7.

questions, to all of which, it is said, he responded promptly and correctly.¹³

His close attention to the study of mathematics led him easily into the quest of some practical form by which to give tangible expression to his thought. It is highly probable that this fact can explain the facility with which he planned and completed at the age of thirty a clock which stands as one of the wonders of his day.¹⁴ "It is probable," says one, "that this was the first clock of which every portion was made in America; it is certain that it was as purely his own invention as if none had ever been before. He had

¹³ Banneker would frequently, in answering questions submitted to him, accompany the answers with questions of his own in rhyme. The following is an example of such a question submitted by him to another noted mathematician, his friend and neighbor, Mr. George Ellicott:

A cooper and Vintner sat down for a talk,
Both being so groggy, that neither could walk,
Says Cooper to Vintner, "I'm the first of my trade,
There's no kind of vessel, but what I have made,
And of any shape, Sir,—just what you will,—
And of any size, Sir,—from a ton to a gill!"
"Then," says the Vintner, "you're the man for me,—
Make me a vessel, if we can agree.
The top and the bottom diameter define,
To bear that proportion as fifteen to nine,
Thirty-five inches are just what I crave,
No more and no less, in the depth, will I have;
Just thirty-nine gallons this vessel must hold,—
Then I will reward you with silver or gold,—
Give me your promise, my honest old friend!"
"I'll make it tomorrow, that you may depend!"
So the next day the Cooper his work to discharge,
Soon made the new vessel, but made it too large;—
He took out some staves, which made it too small,
And then cursed the vessel, the Vintner and all.
He beat on his breast, "By the Powers!"—he swore,
He never would work at his trade any more.
Now my worthy friend, find out, if you can,
The vessel's dimensions and comfort the man!

BENJAMIN BANNEKER.

We are indebted to Benjamin Hallowell, of Alexandria, for the solution of this problem. The greater diameter of Banneker's tub must be 24.745 inches; the less diameter 14.8476 inches. See *Maryland Historical Society Publications*, I, p. 20.

¹⁴ *The Atlantic Monthly*, XI, p. 81.

seen a watch, but never a clock, such an article not being within fifty miles of him."¹⁵ He completed this clock with no other tools than a pocket knife, and using only wood as his material. It stood as a perfect piece of machinery, and struck the hours with faultless precision for a period of 20 years.

The successful completion of this clock attracted to Banneker the attention of his entire community, serving as the starting point of a more brilliant career. It was this display of mechanical genius which engaged the attention of the Ellicotts, who had lately moved into his neighborhood from Pennsylvania. They had already heard of the unusual accomplishments of this gifted Negro and lost no time in getting in touch with him, especially since one of the Ellicotts was himself a mathematician and astronomer of marked ability.¹⁶

The meeting with the Ellicotts was of signal advantage to Banneker, and ultimately proved the turning point in his career. They were of Quaker origin and had gone down to Maryland in 1772 in search of a desirable location for the establishment of flour mills. They were evidently persons of foresight. Being progressive, open-minded and comparatively free from the prejudices that were then mostly native to the section into which they had moved, they cordially received Banneker and frankly proclaimed his talents.¹⁷ They did not seem to permit the differences of race to erect a single barrier between Banneker and themselves in the ordinary run of their frequent business intercourse. When the Ellicotts were erecting their mills, the foundation of Ellicott City, they purchased from Banneker's farm a large portion of the provisions needed for the workmen. His mother, Mary Banneker, attended to the marketing, bringing poultry, vegetables, fruit and honey to the Ellicott workmen.¹⁸

¹⁵ *The Atlantic Monthly*, XI, p. 81.

¹⁶ *Atlantic Monthly*, XI, p. 82.

¹⁷ *Southern Literary Messenger*, XXIII, p. 65.

¹⁸ *Tyson's Banneker*, p. 24.

Banneker's mechanical inclination led him to take unusual interest in the building of the Ellicott Mills, and to make frequent visits there to watch the operation of the machinery. In the course of time a store was built near the mills, and it became the meeting place of nearly all the wide-awake and worth while people in the community, who would linger together to talk of the news of the day. This was the ordinary means of news exchanging in those days when there were no dailies nor bulletins nor hourly extras. Banneker was always a welcome participant in these gatherings although he was a man of modest demeanor, never injecting himself into the conversation in an unseemly manner. When, however, he permitted himself to be drawn into discussions, he always expressed his views with such clearness and intelligence that he won the respect of his hearers.¹⁹

The friendship between George Ellicott and Banneker grew stronger as the years went by, and their common interests in mathematics and natural science led to a fellowship which often brought them together. This interest led George Ellicott to lend Banneker a number of mathematical books and instrumnts. Among these books were Mayer's *Tables*, Ferguson's *Astronomy* and Leadbetter's *Lunar Tables*. When these books and instruments were handed to Banneker it was Ellicott's intention to remain there a while to give Banneker some personal instruction in the use of them, but he was prevented by lack of time from carrying out this intention. On calling again on Banneker shortly afterward, to offer him this instruction, Ellicott was surprised to find that Banneker had already discovered for himself the key to the use of both and was "already absorbed in the contemplation of the new world which was thus opened to his view."²⁰ They had literally made him fix his gaze on the stars, for the study of astronomy thus became his one absorbing passion.

¹⁹ Tyson, *Banneker*, p. 26.

²⁰ J. H. B. Latrobe's *Memoir*, *Maryland Historical Society Publications*, I, p. 8.

He had now nearly covered his three score years, and it was no little tribute to his mental vigor that he should have determined at that age to master so abstruse a science as astronomy. But by degrees he gave himself up to its study with unusual zeal. His favorite method of studying this science was to lie out on the ground at night, gazing up at the heavens till the early hours of the morning. He then tried to restore his tired mind and body by sleeping nearly all the next day. This habit nearly caused him to fall into disrepute among his neighbors, who, ignorant of his plans, accused him of becoming lazy in his old days.

In 1789 he had advanced so far with his plan as to project a solar eclipse, the calculation of which he submitted to his friend George Ellicott. In the study of these books Banneker detected several errors of calculation, and, writing to his friend Ellicott, he made mention of two of them. On one occasion he wrote:

"It appears to me that the wisest men may at times be in error; for instance, Dr. Ferguson informs us that, when the sun is within 12° of either node at the time of full, the moon will be eclipsed; but I find that, according to his method of projecting a lunar eclipse, there will be none by the above elements, and yet the sun is within $11^{\circ} 46' 11''$ of the moon's ascending node. But the moon, being in her apogee, prevents the appearance of this eclipse."

And again he wrote Ellicott:

"Errors that ought to be corrected in my astronomical tables are these: 2d vol. Leadbetter, p. 204, when anomaly is $4^{\circ} 30'$ the equation $3^{\circ} 30' 4''$ ought to have been $3^{\circ} 28' 41''$. In \mathcal{J} equation, p. 155, the logarithm of his distance from \odot ought to have been 6 in the second place from the index, instead of 7, that is, from the time that its anomaly is $3^{\circ} 24'$ until it is $4^{\circ} 0'$."

Acting upon the suggestion of one of his educated friends, Banneker now undertook to extend his calculations so as to make an Almanac, then the most comprehensive medium of scientific information. Banneker continued the work required to complete his almanac, and finished the

first one to cover the year 1792, when he was sixty-one years old. This attracted to him a number of prominent men, among whom was Mr. James McHenry, of Baltimore, a member of John Adams's cabinet. This gentleman, through his high regard for Banneker's achievements, had his almanac published by the firm of Goddard and Angell of Baltimore. In his letter to this firm McHenry paid a fine tribute to the character of the author, although some of his statements as to Banneker's parentage do not harmonize with what appears to the writer as more reliable information from another source. McHenry laid special stress upon the fact that Banneker's work, in the preparation of his almanac, "was begun and finished without the least information or assistance from any person, or from any other books," than those he had obtained from Mr. Ellicott, "so that whatever merit is attached to his present performance is exclusively and peculiarly his own."²¹

That Mr. McHenry attached a wider significance to Banneker's attainments than is implied in a merely personal achievement is shown in his statement that he considered "this negro as a fresh proof that the powers of the mind are disconnected with the color of the skin, or, in other words, a striking contradiction to Mr. Hume's doctrine, that the negroes are naturally inferior to the whites, and unsusceptible of attainments in arts and sciences?" "In every civilized country," said he, "we shall find thousands of whites, liberally educated and who have enjoyed greater opportunities for instruction than this negro, (who are) his inferiors in those intellectual acquirements and capacities that form the most characteristic features in the human race."²² But the system that would assign to these degraded blacks *an origin different from the whites*, if it is not ready to be deserted by philosophers, must be relinquished as similar instances multiply; and that such must frequently happen, cannot be doubted, *should no check impede the progress of*

²¹ *Atlantic Monthly*, XI, p. 82.

²² Tyson, *Banneker*, p. 51.

humanity, which, ameliorating the conditions of slavery, necessarily leads to its final extinction."²³

Referring to their attitude, the publishers said in their editorial notice that "they felt gratified in the opportunity of presenting to the public, through their press, an accurate Ephemeris for the year 1792, calculated by a sable descendant of Africa." They flatter themselves "that a philanthropic public, in this enlightened era, will be induced to give their patronage and support to this work, not only on account of its intrinsic merit (it having met the approbation of several of the most distinguished astronomers of America, particularly the celebrated Mr. Rittenhouse), but from similar motives to those which induced the editors to give this calculation the preference, the ardent desire of *drawing modest merit from obscurity* and controverting the long established illiberal prejudice against the blacks."²⁴

Banneker had himself not lost sight of the probable effect of his work in reshaping to some extent the public estimate concerning the intellectual capacity of his race. And this was the thought that prompted him to send a manuscript copy of his first almanac to Thomas Jefferson, then Secretary of State in Washington's cabinet. In his letter to Jefferson, dated August 19, 1791, Banneker made, with characteristic modesty, a polite apology for the "liberty" he took in addressing one of such "distinguished and dignified station," and then proceeded to make a strong appeal for the exercise of a more liberal attitude towards his down-trodden race, using his own achievements as a proof that the "train of absurd and false ideas and opinions which so generally prevails with respect to the Negro should now be eradicated."²⁵

²³ Mr. McHenry was not only one of the most prominent men of Baltimore, but was several times honored with positions of trust. He was Senator from Maryland in 1781; and as one of the Commissioners to frame the Constitution of the United States, he signed that instrument in 1787. He was also a member of the cabinet of President John Adams as Secretary of War in 1797.—Tyson, *Banneker*, pp. 50, 51, 52.

²⁴ *Maryland Historical Society Publications*, I, 1844-48, I, p. 79.

²⁵ A copy of Banneker's letter to Thomas Jefferson and the statesman's reply were published in the JOURNAL OF NEGRO HISTORY, III, p. 69.

Thomas Jefferson took note of the moral courage and the loyalty to race evident throughout the whole of Banneker's remarkable letter and he honored it with the most courteous reply, under date of August 30, 1791. After thanking Banneker for the letter and the almanac accompanying it, Jefferson expressed the pleasure it afforded him to see such proofs "that nature has given to our black brethren talents equal to those of the other colors of men, and that the appearance of a want of them is owing only to the degraded condition of their existence both in Africa and America." He also added that he desired "ardently to see a good system commenced for raising the condition both of their body and mind to what it ought to be." The copy sent to Jefferson was formally transmitted to M. de Condorcet, secretary of the Academy of Sciences at Paris, and member of the Philanthropic Society because, as he said, he "considered it a document to which your whole race had a right for its justification against the doubts which have been entertained of them." This recognition of Banneker's merit very naturally added greatly to his rapidly growing reputation at home, and brought to him hundreds of letters of congratulation from scholarly men throughout the civilized world.

The most distinguished honor that came to him from his own countrymen was the invitation to serve with the commission appointed by President Washington to define the boundary line and lay out the streets of the Federal Territory, later called the District of Columbia. This commission, was appointed by Washington, in 1789, and was composed of David Stuart, Daniel Carroll, Thomas Johnson, Andrew Ellicott and Major Pierre Charles L'Enfant, a famous French engineer. This personnel was given in the article on Benjamin Banneker by John R. Slattery in the *Catholic World* in 1883,²⁷ but in the *Washington Evening Star* of October 15, 1916, reporting an address by Fred Woodward, the commission was said to consist of "Major L'Enfant, Andrew Ellicott, Count de Graff, Isaac Roberdeau, William

²⁷ *Catholic World*, XXXVIII, December, 1883.

King, Nicholas King, and Benjamin Banneker, a free Negro."²⁸ It is on record that it was at the suggestion of his friend, Major Andrew Ellicott, who so thoroughly appreciated the value of his scientific attainments, that Thomas Jefferson nominated Banneker and Washington appointed him a member of the commission. In the *Georgetown Weekly Ledger*, of March 12, 1791, reference is made to the arrival at that port of Ellicott and L'Enfant, who were accompanied by "Benjamin Banneker, an Ethiopian whose abilities as surveyor and astronomer already prove that Mr. Jefferson's concluding that that race of men were void of mental endowment was without foundation."²⁹

Speaking afterwards of his work with this commission, Banneker referred to the unfailing kindness and courtesy of the distinguished company in which he found himself. One of his biographers says that the deportment of the mathematician during this engagement was such as to secure for him the respect and admiration of the commissioners. His striking superiority over all other men of his race whom they had met led them to disregard all prejudices of caste.³⁰ During the stay of the commissioners at their official quarters, Banneker was invited, of course, to eat at the same table with them just as he sat with them during the conferences. This invitation, however, he declined, and provision was then, at his request, made for serving his meals at a separate table but in the same dining room and at the same hour as the others were served.

The reasons for Banneker's refusal to accept this invitation, however, are not so clear. Various of his biographers have attributed his action on this occasion to what they seemed pleased to term his "native modesty." Judging it at this distance from the time of its occurrence, it is perhaps difficult to understand fully his motive. But if we view it in the light of the consistent wisdom and high-mindedness that seemed to guide his whole life we can hope

²⁸ *Washington Star*, October 15, 1916.

²⁹ *Georgetown Weekly Ledger*, March 12, 1791.

³⁰ Tyson, *Banneker*, p. 37.

that his reasons for the self-imposed coventry on that occasion were sufficient unto himself, and that they fully excluded every element of servility.

Banneker's work with this commission was undertaken while he was still engaged in astronomical investigation, and after his services in Washington were concluded he returned to his home and resumed his work on his almanacs, which regularly appeared until 1802. He was now living alone in the home left him by his parents, and performed for himself nearly all the domestic services required for his health and comfort. Still obliged to rely mainly upon his farm for his livelihood, he tried various expedients with different tenants to rid himself of the necessity for giving so much of his time to the farm. In these efforts he was wholly unsuccessful. He finally decided, therefore, to enter into such an arrangement in the disposition of his effects as would provide him an annuity, relieving himself of all anxiety for his maintenance and at the same time affording him the leisure he wanted for study. This he was enabled to do through a contract with one of the Ellicotts, by the terms of which his friend was to take the title to Banneker's property, making the latter an annual allowance of 12 pounds for a given period of time calculated by Banneker to be the span of years he could reasonably be expected to live. Banneker was to continue to occupy and use the property during his life, after which the possession was to go to Ellicott.⁸¹ Banneker lived, however, eight years longer than he thought he would, but Ellicott faithfully lived up to this contract. This miscalculation is said to have been the only mistake in mathematics Banneker ever made. With his domestic affairs settled to his satisfaction, and having now the desired leisure to continue his studies, he gave himself up wholly to that object.

His active mind now found time also for occasional diversion to other lines than mathematics. It was about this time that he made the calculations showing that the locust plague was recurrent in cycles of 17 years each. He also

⁸¹ Tyson, *Banneker*, pp. 70-71.

wrote a dissertation on bees which has been favorably compared with a similar contribution by Pliny on the same subject written nearly 1800 years earlier. Banneker's nature seemed tuned also to the softer notes in the song of life. He loved music, and often, as a relaxation, he would sit beneath a huge chestnut tree near his house and beguile the hours by playing on his flute or violin.⁸²

The disastrous war waged in 1793 so disturbed Banneker that he devoted much time to the study of the best methods to promote peace. To this end he suggested that the United States Government establish a department in the President's cabinet to be in charge of a Secretary of Peace. He then made a strong appeal to the authorities of his government to take a broad stand based on humanity and justice and in that spirit to formulate a comprehensive plan by which *A Lasting Peace*⁸³ might be substituted for the wars that were then disturbing the world.

During these years his home was frequently visited by people who sought him because of his intellectual gifts, and who were in no wise abashed by the fact of his racial connection. To them he was merely an honored citizen in the field of achievement.⁸⁴ "During the whole of his long life," says Benjamin Ellicott, "he lived respectably and much esteemed by all who became acquainted with him, but more especially by those who could fully appreciate his genius and the extent of his acquirements. Although his mode of life was regular and extremely retired,—living alone, having never married, cooking his own victuals and washing his own clothes, and scarcely ever being absent from home,—yet there was nothing misanthropic in his character; for a gentleman who knew him thus speaks of him: 'I recollect him well. He was a brave-looking pleasant man, with something very noble in his appearance.' His mind was evidently much engrossed in his calculations; but he was glad to receive the visits which we often paid him."

⁸² Tyson, *Banneker*, pp. 35-60.

⁸³ *Records of the Columbia Historical Society*, XX, pp. 117-119.

⁸⁴ *The Atlantic Monthly*, XI, p. 84.

Another writes: "When I was a boy I became very much interested in him, as his manners were those of a perfect gentleman: kind, generous, hospitable, humane, dignified, and pleasing, abounding in information on all the various subjects and incidents of the day, very modest and unassuming, and delighting in society at his own house. I have seen him frequently. His head was covered with a thick suit of white hair, which gave him a very dignified and venerable appearance. His dress was uniformly of superfine broadcloth, made in the old style of a plain coat, with straight collar and long waistcoat, and a broad-brimmed hat. His color was not jet-black, but decidedly negro. In size and personal appearance, the statue of Franklin at the Library of Philadelphia, as seen from the street, is a perfect likeness of him. Go to his house when you would, either by day or night, there was constantly standing in the middle of the floor a large table covered with books and papers. As he was an eminent mathematician, he was constantly in correspondence with other mathematicians in this country, with whom there was an interchange of questions of difficult solution."³⁵

Mrs. Tyson describes the courtliness of his manner when receiving friendly visits from the ladies of his community, who delighted to call on him in his neat cottage, to have the pleasure of his rare conversation. On these occasions he would sometimes allude to his love of the study of astronomy as quite unsuited to a man of his class.³⁶

In the earlier years of his life Banneker is said to have formed the "social drink" habit, which we can imagine was all the easier for a man of his agreeable manners, in an environment where hospitality was general, and in a day when cordiality usually expressed itself in that way. But to the credit of his strength of mind and will, it is also said that he actually overcame that habit by the mere determination that he would do it, and that on his return from his stay with the commission at Washington he is said to have de-

³⁵ Tyson, *Banneker*, p. 31.

³⁶ *Ibid.*, p. 31.

clared rather proudly that he never partook once of the wines that were so freely offered him.⁸⁷

Banneker was not a professing Christian and not an adherent of any church, but "he loved the doctrines and mode of worship of the Society of Friends, and was frequently at their meetings." A contemporary says: "We have seen Banneker in Elkridge meeting house, where he always sat on the form nearest the door, his head uncovered. His ample forehead, white hair and reverent deportment gave him a very venerable appearance, as he leaned on the long staff (which he always carried with him) in quiet contemplation."⁸⁸

There was no blemish in the entire record of his singularly active and useful life. His whole span of years appears to have been spent with a conscience void of offense, and he approached the end with a serenity of mind well befitting the high ideals set before him. Although his body never wandered far from the place of his birth, his mind was permitted to soar through all space and to dwell in the regions of the stars and the planets. We can never know how sorely his finer spirit grieved over the tribulations that beset his blood kinsmen in the days of their bondage in this land of their birth, but we can well believe that in the loftiness of his soul he dreamed the dream of their ultimate release.

As the shadows gathered about him towards the evening of his life he abandoned those pursuits that had brought him merited distinction, and had gained for him the admiration of a host of friends chiefly among people that the world called superior. One beautiful Sabbath afternoon, in the month of October, 1806,⁸⁹ while quietly resting in the shade of a tree beside his cottage on the brow of a hill that overlooked the Patapsco Valley he seemed to hear the voices that beckoned him to the other world. And as if stirred by some sudden impulse he rose and made an effort to walk

⁸⁷ *Catholic World*, XVIII, p. 354.

⁸⁸ Norris's *Memoir*, *Maryland Historical Society Publications*, II, p. 75.

⁸⁹ *Federal Gazette and Baltimore Daily Advertiser*, October 28, 1806.

once more along the paths that had so often been his quiet retreat in the moments of his deep reflections. He had not gone far, when his strength gave way, and he sank helpless to the ground. He was assisted back to his home by a friendly neighbor, but the noon of his day having fully merged into the evening, the dark shadows of Eternal Night settled over him.

Directly after Banneker's death, in fact, on that very day, his sisters, Minta Black and Mollie Morton, undertook to carry out his wishes with respect to the disposition to be made of his personal effects. Banneker had, a few years before, directed that "all the articles which had been presented to him by George Ellicott, consisting of his books and mathematical instruments, and the table on which he made his calculations should be returned as soon as he should die."⁴⁰ He also requested that "as an acknowledgment of a debt of gratitude for Ellicott's long-continued kindness he should be given a volume of the manuscripts containing all his almanacs, his observations on various subjects, his letter to Thomas Jefferson, and the reply of that statesman." All the rest that he possessed was left to the two sisters. It was due to the faithful execution of his wishes on the very day of his death that his valuable manuscripts were preserved at all. They were all carried to George Ellicott, and this circumstance was the first notice that Ellicott received of the passing away of his friend. "Banneker's funeral took place two days afterward, and while the ceremonies were in progress at his grave, his home took fire and burned so rapidly that nothing could be saved."⁴¹

Some time before his death Banneker gave to one of his sisters the feather bed on which he usually slept, and this she preserved as her only keepsake of him. Years afterwards she had occasion to open the bed and, feeling something hard among the feathers, she discovered that it was a purse of money. This circumstance shows that Banneker

⁴⁰ Norris's *Memoir*, *Maryland Historical Society Publications*, II, p. 64.

⁴¹ *Ibid.*, II, p. 73.

was not "in the evening of his life overshadowed by extreme poverty."⁴²

In an excellent paper read on April 18, 1916, before the Columbia Historical Society of Washington, by Mr. P. Lee Phillips, of the Library of Congress, *Banneker's Almanac* was compared with Benjamin Franklin's *Poor Richard's Almanac*. Mr. Phillips also referred to his efforts in behalf of peace and to the friendship that existed between Banneker and such distinguished men of his time as Washington and Jefferson. He closed his article on Banneker with the broad-minded declaration that "Maryland should in some manner honor the memory of this distinguished citizen, who, notwithstanding the race prejudice of the time, rose to eminence in scientific attainments, the study of which at that early date was almost unknown."⁴³ The recognition of Douglass in Rochester and Boston, Pushkin in Petrograd and Moscow and Dumas in Paris, affords splendid suggestions of what we hope to see of Banneker in Baltimore. It is a sad reflection on the people of this country that practically nothing has been done to honor this distinguished man.

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⁴² Tyson, *Banneker*, p. 72.

⁴³ *Records of the Columbia Historical Society*, XX, pp. 119-120.

GEORGE LIELE AND ANDREW BRYAN, PIONEER NEGRO BAPTIST PREACHERS

Without any consideration of the merits or demerits of what is called the exceptional man theory, perhaps no two men stand out more prominently in the early history of the Negro church than George Liele and Andrew Bryan. In the days of darkest forebodings and of the greatest human sufferings these two pioneers of religion went forth to disseminate ideas and mold sentiments which were to shape the inner springs of conduct of their fellow-slaves. Sketches of these heroes must claim the attention of seekers for the truth as to this important phase of our history.

A letter dated September 15, 1790, from the late Reverend Mr. Joseph Cook of Euhaw, upper Indian Land, South Carolina, says: "A poor Negro, commonly called, among his friends, Brother George,¹ has been so highly favored of God, as to plant the first Baptist Church in Savannah, and another in Jamaica." This man was George Liele. He was born in Virginia about 1751. He knew very little of his mother, Nancy, but was informed by white and black that his father was a very devout man. The family moved much during the youth of George, but finally settled in Georgia.

As a youth George Liele had a natural fear of God, holding constantly in mind His condemnation of sin. Liele was converted through the preaching of the Reverend Matthew Moore,² who later baptized him. Desiring then to prove the sense of his obligations to God, Liele began to instruct his own people. Crude but firm in purpose, he soon showed

¹ He was sometimes called George Sharp.—See Benedict, *History of the Baptists*, etc., p. 189.

² The facts of this article for the most part are taken from letters written about the work of Liele and Bryan and from correspondence concerning them published in London in the *Baptist Annual Register*.

³ Mr. Moore was an ordained Baptist minister, of Brooke County, Georgia.

ministerial gifts and after a trial sermon before a quarterly meeting of white ministers was licensed as a local preacher. He practiced preaching on different plantations, and in the church to which he belonged, on evenings when there was no regular service. After a short period he began his regular ministerial work, serving about three years at Brunton Land, and at Yamacraw, where developed a number of useful communicants.⁴

Among these early members of the Yamacraw church were Reverend David George, who later labored, with permission from the Governor, in the ministry at Nova Scotia, with sixty communicants, white and black; Reverend Amos, who preached with good results at New Providence, one of the Bahama Islands, to about three hundred members; and Reverend Jesse Gaulsing, who preached near Augusta, in South Carolina to sixty members. Preaching later from Chapter III Saint John, and the clause of verse 7, "Ye must be born again," George Liele moved to repentance a more useful man, Andrew Bryan, and a noted woman named Hagar.^{4a} After Liele organized this influential church at Yamacraw, then a suburb of Savannah, Mr. Henry Sharp, his master, encouraged this pioneer by giving him his freedom.

Mr. Sharp was an officer in the war and died from wounds received in the King's service.⁵ Soon after the death of Mr. Sharp there arose those who were dissatisfied with George's liberation. He was taken and thrown into prison, but by producing his manumission papers was released. To extricate himself from this unpleasant situation Liele became obligated to a Colonel Kirkland. At the evacuation of Savannah by the British he was partly obliged to come to Jamaica, as an indentured servant for money he owed Colonel Kirkland, who promised to be his friend in that country. Upon landing at Kingston he was upon the recommendation

⁴ THE JOURNAL OF NEGRO HISTORY, I, p. 71.

^{4a} Under the influence of his preaching Liele's wife was converted and baptized at Brunton Land.

⁵ *Ibid.*, p. 336.

of the Colonel to General Campbell, the Governor of Jamaica, employed by him two years, and, on leaving the island, the governor gave Liele a certificate of his good behavior. As soon as Liele had paid his debt to Colonel Kirkland, he obtained for himself and family a certificate of freedom from the vestry and governor, according to the law of this Island.⁶ Thus by force of circumstances George Liele was compelled to leave those among whom he had labored so effectively and thrown into another field where he had opportunity for further service.

Liele's work in Jamaica began in September, 1784. He started in Kingston by preaching in a private house to a small congregation. Next, he organized a church with four other men who had come from America. His message had a telling effect especially on the slaves. The effectiveness of his work is also seen from the fact that persecutions at baptisms and meetings which were, at first, frequent, later became a less serious hindrance. Upon frequent petitions, however, the Jamaica Assembly finally granted free worship of God to all those desiring it. So successfully did Liele work that in a short while he had in the country together with well wishers and followers about fifteen hundred communicants, to whom he preached twice on each Sunday, in the morning and afternoon, and twice in the week.⁷

The work of the church was extended by a few deacons and elders, and by teachers of small congregations in the town and country. Thomas Nichols Swigle became Liele's chief assistant. His particular work was to regulate church matters, serve as deacon, and also to teach a free school opened for the instruction of free and slave children. The work continued to spread through Swigle, who became a minister after the order of Liele. He said: "About two months ago, I paid my first visit to a part of our church held at Clinton Mount, Coffee Plantation, in the Parish of

⁶ *The Baptist Annual Register*, 1790-93, p. 334.

⁷ *The Journal of Negro History*, I, pp. 71-72.

Saint Andrew, about sixteen miles distance from Kingston, in the High mountains, where we have a chapel and 254 brethren." About his work in general he said: "I preach, baptize, marry, attend funerals, and go through every work of the ministry without fee or reward."⁸

It was soon evident that there must be some definite place of worship. To this end a piece of land about three acres at the east end of Kingston was purchased for the sum of about 155 pounds and on it a church building fifty-seven by thirty-seven feet was begun. Because the congregation was poor and gifts were small, Liele had a struggle to complete his building. He interested in his cause several gentlemen of influence, among whom was a Mr. Stephen Cooke, a member of the Assembly, who in turn asked help of friends in England. By January 12, 1793, he was able to say that not only was the Kingston church completed but that in Spanish Town also he had purchased land for a cemetery with a house on it which served as a church building. The Kingston church, the first of its kind in Jamaica, under the leadership of Liele had twelve trustees, all of whom were members of the congregation, whose names were specified in the title recorded in the office of the secretary of the island.⁹

While establishing the churches at Savannah and at Jamaica, Liele received nothing for his services. He was on a mission and without charge preached, baptized, administered the Lord's Supper, and travelled from one place to another to settle church affairs. He did this so as not to be misunderstood and not to hinder the progress of the church of Christ. Mr. Stephen Cooke, in giving his opinion of Liele, said that he was "a very industrious man, decent and humble in his manners, and, I think, a good man." His family life was pleasant. He had a wife and four children, three boys and a girl. Liele followed farming for a regular occupation, but because of the uncertain seasons in Jamaica, kept horses and wagons for employment in local transportation for the government by contract. He was

⁸ *The Journal of Negro History*, I, p. 72.

⁹ *The Baptist Annual Register*, 1790-1793, p. 335.

business-like and kept the good will of the public. Although busy, Liele found time to read some of the good books which he had in his meager collection and also to write letters explaining the growth of his work in Jamaica and inquiring after the progress of the church at Savannah, then pastored by Andrew Bryan.¹⁰

In building up the membership of his churches Liele showed great tact. Unlike the Methodists who were rapidly coming forward at this time, he would not receive any slaves who had not permission of their owners. This not only increased the membership of the church but it made friends for their cause among the masters and overseers. So careful was Liele to get the confidence of the masters and overseers that he ordered a bell for his church just a mile and a half out of Spanish Town in Jamaica, not particularly to give warning to the slaves about the time of meeting, but to the owners of slaves that they might know the time when their slaves should return to the plantations. The church covenant, a collection of certain passages of Scripture, which was used once a month, was shown to members of the legislature, the magistrates and justices to secure their approval that they might give their slaves permission to become members of the congregation.¹¹

The effect of the work of Liele is well narrated in a statement of an overseer who sat at breakfast with Swigle at Clinton Mount, sixteen miles from Kingston. He said that he did not need an assistant nor did he make use of the whip, for whether he was at home or away, everything was conducted as it should have been. The slaves were industrious, with a plenty of provision in their ground and a plenty of live stock in their barns; and they, one and all, lived together in unity, brotherly love and peace. With a mission to serve, this man then made his way into the hearts of his fellows.

Andrew Bryan, the other pioneer, was born in 1737 at Goose Creek, South Carolina, about sixteen miles from Charleston. His mother was a slave and died in the service

¹⁰ Benedict, *History of the Baptists*, p. 189.

¹¹ *The Baptist Annual Register*, 1798-1801, p. 368.

of her master. His father, also a slave, became infirm with years, dying at the age of one hundred and five. Andrew became converted under the preaching of George Liele when the latter served the church in Savannah. Bryan married a woman named Hannah about nine years after his conversion. His wife remained a slave in the service of Jonathan Bryan for a long time after her marriage, but was finally purchased by her husband.¹²

Andrew Bryan began to preach to congregations of black and a few white people at Savannah just eight or nine months after Liele's departure for Jamaica. Edward Davis encouraged Bryan and his followers to erect a building on his land in Yamacraw for a place of worship, of which they were later artfully dispossessed. In the beginning of their worship, frequent interruptions came from the whites. It was at a time when many Negro slaves had absconded, and some had been taken away by the British. This was an excuse for the wickedness of the whites, who then became more cruel in whipping and imprisoning the worshipers, undertaking to justify their action before the magistrates. When George Liele was preaching in and near Savannah, he did not suffer from such molestation, because the British then ruled the country, but Andrew Bryan began his work under different conditions about the time when Georgia became independent.

For refusing to discontinue his work Andrew Bryan was twice imprisoned. Sampson, his brother, who was converted about one year after Andrew was, remained with him, however, in all of his hard trials. On one occasion about fifty slaves were severely whipped. Among these was Andrew, who was cut and bled abundantly. While he was yet under their lashes, Hambleton says he rejoiced, not only to be scourged but would freely suffer death for the cause of Jesus Christ. Jonathan Bryan, their kind master, was much affected and grieved over their punishment and interceded for them. George Walton said "that such treatment would be condemned even among barbarians."

¹² *The Baptist Annual Register*, 1798-1801, p. 366.

They were brought before chief justices Henry Osborne, James Habersham and David Montague, who released them. Chief Justice Osborne then gave them liberty to continue their worship "between sunrising and sun set."¹⁴ Their master told the magistrate that he would give them the liberty of his own house or barn, at a place called Brampton, about three miles from town, and that they should not be interrupted in their worship. They accepted the offer of Jonathan Bryan and worshipped with little or no interruption at Brampton for about two years. Many slaves thereafter attended the services held in the barn at Brampton.

White preachers often visited his congregation. Lorenzo Dow, perhaps the foremost white itinerant preacher of his time, on one occasion preached to Bryan's congregation, while he was imprisoned, feeling that in their hour of trial these Negroes especially needed his encouragement. The whites to whom Dow preached offered him money, but he did not take it as he did not wish the wrong construction put upon his efforts nor to be deemed an impostor. As he was once leaving Savannah, however, after he had been entertained largely by Negroes, Andrew Bryan met him and, on shaking hands, gave him eleven and a half dollars which the Negroes presented him as a donation. By these visits of Dow and other preachers, Bryan and his followers were greatly helped.¹⁵ Among others who visited Bryan's church were Abraham Marshall and Thomas Burton who examined and baptized about sixty in this connection.

Reverend Mr. Marshall gave this congregation over his signature two important certificates which follow:

This is to certify that upon examination into the experiences and characters of a number of Ethiopians, and adjacent to Savannah, it appears that God has brought them out of darkness into the light of the Gospel, and given them fellowship one with the other; believing it is the will of Christ, we have constituted them a church of Jesus Christ.

¹³ Dow, *History of the Cosmopolite*, p. 124.

¹⁴ *The Baptist Annual Register*, 1790-1793, p. 339.

¹⁵ Dow, *Experience and Travels*, p. 125.

On January 19, 1788, he sent Bryan the following:

This is to certify, that the Ethiopian church of Jesus Christ at Savannah, have called their beloved Andrew to the work of the ministry. We have examined into his qualifications, and believing it to be the will of the great head of the church, we have appointed him to preach the Gospel, and to administer the ordinances, as God in his providence may call.¹⁶

Out of the midst then of great persecutions Andrew Bryan became the official head of an established church.

The death of Jonathan Bryan, the master of Andrew Bryan, marked an epoch in the useful career of this pioneer preacher. By consent of the parties concerned, he purchased his freedom for the sum of fifty pounds. He then bought a lot in Yamacraw and built on it a residence near the rough building Sampson Bryan had built some time before. When the Bryan estate was finally divided, the lot on which Sampson had been permitted to build became the property of an attorney, who married a daughter of the deceased Mr. Bryan and received 12 pounds a year for it. In these readjustments there were no serious interruptions to the worship of Andrew Bryan's congregation. The seven hundred members worshiped not only without molestation, but in the presence, and with the approbation and encouragement of many of the white people.¹⁷

With this large membership Bryan needed but did not have a regular assistant. In his absence his brother Sampson preached for him. Bryan's plan was to divide his church when the membership became too large for him to serve it efficiently. This finally had to be done. This branch of the church was organized as the Second African Baptist Church of Savannah with Henry Francis, a slave of Colonel Leroy Hammond, as pastor. Francis showed such remarkable ability that some white men, who considered him unusual, purchased his freedom that he might devote all of his time to his chosen work. Not many years

¹⁶ *The Baptist Annual Register*, 1790-1793, p. 340.

¹⁷ *Ibid.*, 1798-1800, p. 367.

thereafter Bryan's church again reached the stage of having an unwieldy number and it was further divided by organizing in another part of the city the Third African Baptist Church.

Bryan exercised the greatest of care in his public and private obligations and manifested much interest in his family. In 1800 he wrote Dr. Rippon: "With much pleasure, I inform you, dear Sir, that I enjoy good health, and am strong in body, at the age of sixty-three years, and am blessed with a pious wife, whose freedom I have obtained, and an only daughter and child who is married to a free man, tho' she, and consequently under our laws, her seven children, five sons and two daughters, are slaves. By a kind Providence I am well provided for, as to worldly comforts, (tho' I have had very little given me as a minister) having a house and lot in this city, besides the land on which several buildings stand, for which I receive a small rent, and a fifty-six acre tract of land, with all necessary buildings, four miles in the country, and eight slaves; for whose education and happiness, I am enabled thro' mercy to provide."¹⁸

His church became in the course of time the beacon light in the Negro religious life of Georgia. From this center went other workers into the inviting fields of that State, until the Negro preacher became circumscribed during the thirties and forties by laws intended to prevent such disturbances as were caused by Nat Turner in starting an insurrection in Virginia. Andrew Bryan, however, did not live to see this. He passed away in 1812, respected by all who knew him and loved by his numerous followers.¹⁹ He was succeeded by his nephew, Andrew Marshall, who served that church so long that former slaves still living have a recollection of his work among these people. In keeping with its loyalty to its ministers, this congregation boasts even today that in its long history it has had only a few ministers to serve it.

JOHN W. DAVIS.

¹⁸ *The Baptist Annual Register*, 1798-1801, p. 368. *Ibid.*, 1790-1793, p. 339.

¹⁹ Benedict, *History of the Baptists*, pp. 790-791.

FIFTY YEARS OF HOWARD UNIVERSITY

PART I¹

Howard University, in common with nearly all the larger private institutions of learning in the southern and border States devoted to the education of the Negro, was founded shortly after the Civil War.² These institutions with a few exceptions were originally supported by northern philanthropy, and their courses of study were determined by the zealous missionaries from the North, who successfully attempted to transplant among the freedmen the pedagogic traditions of New England. That such a procedure, so vigorously condemned on many sides when initiated but so gloriously justified in its results, could have been possible may well prove a cause of wonder to the student of education a century hence. And indeed, under ordinary circumstances, the establishment of classical colleges and schools of law, medicine and theology for a primitive people, unable to read or write, would seem the height of folly. But the circumstances were not ordinary. The situation was critical and unusual remedies were required.

The close of the War of the Rebellion in 1865 witnessed something new in the field of educational problems. A group numbering nearly four millions was presented to the American nation for training in the essentials of manhood and the duties of citizenship. The apprenticeship which this group had served had been spent under a system that did little more than acquaint them with the cruder tools of industry and an imperfect use of a modern language. And

¹ The most easily available information concerning the history of Howard University is contained in a number of short sketches, speeches, reports, announcements, and the like, in pamphlet form, and a well-prepared volume of three hundred pages by Dr. Daniel S. Lamb giving the history of the Medical Department up to 1900. These with the files and annual catalogs have been freely used in the preparation of this sketch.

² William M. Patton, *The History of Howard University*, 1896.

while it is true that many individual slaves acquired considerable skill in industrial pursuits and a few became artisans of a rather high order, the great mass of Negroes were laborers of the lowest class, requiring the exercise of an intelligence but little above that of the beasts of burden. On the side of the mastery of letters the best that can be said by even the most generous students of this subject is that, at the beginning of the year 1861, about ten per cent. of the adult Negroes in the United States could read and write.³

From the standpoint of the white South the liberation of the slaves had let loose upon the land what they considered a horde of half-savage blacks, descendants of jungle tribes, inferior in every respect to the white man and incapable of assimilating the knowledge of the dominant race or of becoming citizens except in name only. In addition to this attitude there remained in the South the traditional idea that education was the peculiar privilege of the favored few of the white race, and, except in its lowest reaches, a non-essential in the life of the masses. At the close of the Civil War free public schools were unknown in that section.⁴ When it came to the question of educating the Negro, all of the teachings and practice of the South stamped it as a dangerous risk. To offer him the higher courses of college and university grade was indeed an absurdity.

The North, on the other hand, looked upon the slave as a sufferer released from an earthly torment and, because of his long period of involuntary servitude, deserving of recompense of every kind that the nation could bestow. As to his mental capacity, the North believed that in order to rise from his degraded state and to take his place among the races of civilized men the freedman awaited only the same means of education that the Anglo-Saxon for centuries had enjoyed. Whatever may be the judgment of history concerning these two conflicting views, it is clear that the South had neither the inclination nor the means to enter upon the

³ Woodson, *The Education of the Negro Prior to 1861*, p. 228.

⁴ Albert Bushnell Hart, *The Southern South*, pp. 289-291.

task of educating the Negro whereas the North was abundantly supplied with both.

Here, at any rate, was a situation offering the greatest opportunity for the exercise of philanthropic zeal, both in the way of financial aid and personal service. And to this call the North responded, pouring out treasure, labor and love in a way that stamps the whole movement of educating the Negro in America during the first half century of his freedom as one of the most heroic examples of true missionary zeal of all times. Those who took an active part in the movement, including founders and teachers, seemed imbued with no other idea than that of giving the best and in the largest measure. They went to their tasks and took with them their ideals of human equality and brotherhood. Every effort was bent toward raising the unfortunate race to the level of their own standards of intellect, of society and of morals. They, therefore, applied to the solution of the problem the only educational machinery that they knew. Experiments in education would not supply the immediate need. No man was to be limited in his opportunities for intellectual development. Only his own desire and capacities were to determine his limitations. Besides, such opportunity was necessary for the training of leaders and must not be denied. Howard University was a child of this movement and the greatest embodiment of this idea.

The situation out of which this institution evolved requires some comment. The abolition of slavery in the District of Columbia and later throughout the South resulted in a large influx of freedmen into the National Capital until they formed one third of its population, thus constituting the largest urban group of Negroes in the world. The educational problem presented by this group was quickly realized by various freedmen's aid organizations and philanthropic individuals with the result that day and night schools were immediately established for persons of all ages, providing instruction in the elementary studies.⁵ In the opinion of

⁵ Probably the most famous of these early schools was the normal school for girls opened by Miss Myrtilla Miner, December 3, 1851, and chartered

many the situation had been fully met by the establishment of these elementary schools. The task had been difficult and attended with much opposition and even open violence. The problem of the future was the maintenance and extension of such schools at their present grade. Others, on the other hand, considering the task only half done, believed that their duty would be fully discharged only when an institution of higher learning had been established at the capital of the nation, where Negro youth could be trained for positions of leadership.

"Such an Institution," said one of the founders of Howard University, "was demanded by the necessities of the great educational movement which was inaugurated among the freed people at the close of the late war. When primary, secondary and grammar schools were being opened throughout the South, for the benefit of a class hitherto wholly deprived of educational advantages, it became evident that institutions of a higher grade were needed for the training of the teachers and ministers who were to labor in this field. It was with a view of supplying this need that Howard University was founded."⁶ On November 17, 1866, at the Columbia Law Building opposite Judiciary Square in Washington, was uttered the first word from which the idea of Howard University evolved. Using this building as a temporary house of worship, members of the First Congregational Church⁷ were on that date holding a meeting on missions with Dr. C. B. Boynton, the pastor of the church. After remarks by several persons con-

under the name "Institution for the Education of the Colored Youth," under the Miner Board. In 1879 it was taken over by the public school system of the District as the Myrtilla Miner Normal School. From 1871 to 1876 it worked cooperatively with the Normal Department of Howard University.

⁶ *Annual Report of the President of Howard University, September 2, 1869.*

⁷ The relationship between the First Congregational Church and Howard University has been very close from the first. Three of its pastors have become presidents of the University, Doctors Rankin, Boynton and Newman. The church building at the corner of Tenth and G Streets has always been available for use for University exercises when needed. For many years the commencement exercises of various departments were held regularly in that auditorium.

cerning various phases of the duty of the country towards the freedmen, Reverend Benjamin F. Morris, a son of former Senator Thomas A. Morris, of Ohio, arose to speak. He referred to his surprise and gratification at the remarkable showing made in theological studies, by half a dozen young colored men in an examination which he had recently witnessed. These were students in what was then known as Wayland Institute, which had at that time only one teacher. In this enthusiasm he expressed the wish that the Congregational Church might some day establish a theological school at the capital of the nation.⁸

The seed thus sown found such fruitful soil in the minds of the pastor and Reverend Danforth B. Nichols that they, with Mr. Morris, resolved to see the plan carried out at a subsequent meeting to be held at the residence of Mr. Henry H. Brewster for the purpose of establishing a New Missionary Society. At this meeting there prevailed the idea that such a society was not needed for the reason that the American Missionary Association was already occupying this field. Mr. Morris thereupon took the floor and advocated the establishment of a theological school for the preparation of colored men for the ministry to work in the South and to go as missionaries to Africa. Dr. Boynton supported the plan and urged immediate action; Dr. Nichols, in answering objections raised concerning the financing of the project, suggested the possibility of aid from the Freedmen's Bureau, an idea which marked the beginning of the relationship of the University with the Federal Government.

At the next meeting, a committee appointed to bring in a plan of organization, recommended that a night school be opened at first; that application be made to the Commissioner of the Freedmen's Bureau for quarters, fuel and light for the school; and that three chairs of instruction be established. These recommendations were adopted and the first faculty appointed comprised the following: Evidences and Biblical Interpretation, Reverend E. W. Robinson;

⁸ Danforth B. Nichols, *The Genesis of Howard University*, 1892, p. 4.

Biblical History and Geography, Reverend D. B. Nichols; Anatomy and Physiology, Dr. Silas Loomis. Thus was the University born with neither a local habitation nor a name. It was styled a Theological Institute and its aim was "the education of the colored youth for the ministry."⁹

The development of plans for this new educational center was rapid. Senator Pomeroy, of Kansas, who had become greatly interested in the movement, suggested at first an extension of the original idea so as to include the training of teachers. Later he made a motion that the doors be thrown open to all who wished to enter. This proposition was heartily agreed to, and Howard was given the distinction of being the first University in America to be established without some restriction based on race, sex, creed or color.¹⁰ At a later meeting held to consider the charter, it was decided to embrace in that instrument university privileges and to provide for the departments of theology, law and medicine.

When the question of a name was reached several were suggested and rejected. Finally Dr. Nichols proposed that the University bear the name of "The American Philanthropist, the Commissioner of the Freedmen's Bureau, the true friend of the downtrodden and oppressed of every color and nation of the Earth," General Oliver Otis Howard.¹¹ This was enthusiastically adopted with but one

⁹ Nichols, *The Genesis of Howard University*, 1892, pp. 5, 6.

¹⁰ Dean Robert Reyburn, *Address at the Inauguration of President John Gordon*, 1904, p. 9.

¹¹ "Oliver Otis Howard, the founder of the University, and the one whose name it bears, and who was president from April 5, 1869, to December 1, 1873, was born in Leeds, Maine, November 8, 1830. He was graduated at Bowdoin, 1850, and at West Point in 1854. He was instructor in mathematics at West Point in 1854 and resigned in 1861 to take command of the Third Maine Regiment in the War of the Rebellion, in which he served with distinction. For gallantry at the first battle of Bull Run he was made Brigadier-General, September 3. He lost his arm at Fair Oaks, June 1, 1862, and was in the battle of Antietam. In November, 1862, he was made General of Volunteers. He commanded the Eleventh Corps under General Hooker, served at Chancellorsville, Gettysburg, Lookout Mountain and Missionary Ridge, and was assigned to the Army of the Tennessee. In the march to the sea he commanded the right wing of Sherman's army, and was brevetted Major-General in the regu-

dissenting vote, that of General Howard himself, who felt that his usefulness to the new institution would be greater under another name than his.

The act of incorporation was drawn by Senator Pomeroy, of Kansas, and presented to the Senate by Henry Wilson, of Massachusetts, afterwards Vice-President of the United States under Grant. Senator Pomeroy was one of the incorporators and a member of the first board of trustees. Senator Wilson had attended several of the organization meetings and was an enthusiastic supporter of the plan. The bill passed both houses of Congress and became a law when President Andrew Johnson affixed his signature, March 2, 1867. The first meeting of the corporation was held at the residence of Mr. Brewster for the purpose of organizing the board of trustees. This board was made to include the seventeen incorporators with the addition of General G. W. Balloch who was elected treasurer.

The preliminaries disposed of, the University began its work by opening classes in the Normal and Preparatory Departments united on the first of the following May. The first student body consisting of five pupils were altogether young white women, the daughters of trustees Robinson and Nichols.¹² The recitations were held in a rented frame building, previously used as a German dance hall and

lar army for gallant conduct in the campaign of Atlanta. He was Commissioner of the Freedmen's Bureau from March, 1865, to July, 1864, when he was assigned to the command of the Department of the Columbia. In 1877 he led the expedition against the Nez Perces Indians and in 1878 against the Bannocks and Piutes. In 1881-1882 he was Superintendent of the United States Military Academy at West Point. In 1886 he was commissioned Major-General in the regular army.

"In 1863 he was made A.M. by Bowdoin College, and LL.D. in 1865 by Watervelt College. The same degree was given him by Shurtliff College and Gettysburg University. He was made Chevalier of the Legion of Honor of France in 1884. He published war articles in the *Century* and some stories that are partly autobiographical; also *Chief Joseph* and the *Life of Count Gasparin*. In 1892 he was commander of the Department of the Atlantic, and the second in command of the United States Army. Major-General Howard died at Burlington, Vermont, October 26, 1909."—J. E. Rankin, *Presidents of Howard University*, pp. 11-12.

¹² James B. Johnson, *Address at the Twenty-fifth Anniversary of Howard University*, 1892, p. 18.

saloon, which stood on the east side of what is now Georgia Avenue, a short distance south of W Street.¹³ The building and lot were later purchased by the University but finally sold when the classes were removed to their permanent home.

The selection of the permanent site for the University is due largely to the fortunate combination of judgment, persistence and faith characteristic of General Howard. He, with General E. Whittlesey, acting as a committee on the selection of a site, wished to procure the commanding elevation in the northern part of the city where the University now stands. This was part of the tract of 150 acres known as *Effingham* and owned by John A. Smith. On the plea that the location of a Negro school would depreciate the remainder of his property, the owner refused to sell any part of it. After much argument, General Howard asked him to state his price for the whole farm. The rate given was one thousand dollars an acre, making a total valuation of \$150,000, a staggering sum under the circumstances. Undaunted, however, General Howard closed the bargain, although the treasury of the University was without a single dollar. Adjustments brought the final purchase price for the property down to \$147,500, for which the corporation made itself responsible.¹⁴

With the exception of about thirty acres, the land was divided into lots and sold at a price averaging about four times its original cost.¹⁵ The part reserved consisted of

¹³ William M. Patton, *The History of Howard University*, 1896, p. 30.

¹⁴ The tract as originally purchased may be approximately described as extending eastward to the Soldiers' Home grounds and including almost the entire present site of the reservoir (not including the extreme eastward projection) and running south on its eastern boundary to V Street. Its southern boundary was an irregular line passing south of the Medical School building and including a small part of the ground now occupied by the American League baseball park. Its northern boundary toward the east extended up to and at one point a little beyond what is now Hobart Street, tapering toward the west and meeting Georgia Avenue at Fairmount Street. The western boundary followed Georgia Avenue to Howard Place, whence it followed Sixth Street to the southern boundary.

¹⁵ Daniel S. Lamb, *Howard University Medical Department*, 1900, p. 2.

the main campus now occupied by the academic building, dormitories and residences; the site of the Medical School and the old Freedmen's Hospital; and a park between the two covering four city blocks.¹⁶

The main part of the purchase price for the property was supplied by the Freedmen's Bureau. The funds from the sale of the property not needed for University purposes were placed in the treasury to be used for the construction of buildings.¹⁷ The corporation received additional grants from the Freedmen's Bureau, bringing the sum obtained from this source to about \$500,000.¹⁸ With these funds sev-

¹⁶ This park was at one time surrendered to the Federal government for the remission of back taxes and exemption from further taxation. Later, when the new Freedmen's Hospital was about to be erected on that site the ground was transferred back to the University. The ground is now leased by the government from Howard University for a rental of one dollar a year.

¹⁷ William M. Patton, *The History of Howard University*, p. 17.

¹⁸ The Freedmen's Bureau was established in 1866 by the Federal government for the purpose of promoting the general welfare of the freedmen. General Howard was made commissioner of the organization and held this office until 1872, when it was discontinued. It was through this relation with the Freedmen's Bureau that the University became the creature and ward of the Federal Government, a relation that has been maintained continuously ever since.

The commissioner of the bureau was granted large powers, including the control of all subjects relating to refugees and freedmen from slave States or from any district or county within the territory embraced in the operations of the army, under such rules and regulations as might be prescribed by the head of the bureau and the President.

General Howard during the existence of the bureau disbursed approximately \$13,000,000 in various ways. Much of this was used for educational purposes, including all grades of work. Among some of the beneficiaries of this fund were Lincoln University, Wilberforce University, Berea College, Fisk University, Biddle University, Straight University and Lincoln Institute. In his efforts to enable the people of the District of Columbia to share the benefits of this fund the commissioner offered to erect a building for a certain denominational institution located in Washington at that time, on the condition that it become undenominational. The offer was declined, whereupon the trustees of Howard University immediately made application to receive this Federal aid. Because of the location of the proposed institution at the nation's capital the application was favorably acted upon and liberal appropriations made so that the institution might stand as a monument to the nation's philanthropy.

As these large expenditures for Howard University with the other operations of the bureau brought upon General Howard charges of malfeasance, which led to two investigations, it should be said here that both of the official investigations, one civil, the other military, completely exonerated him.—See

eral residences for professors and four large buildings were erected; namely University Hall, Miner Hall, Clark Hall and the Medical Building. Clark Hall, the boys' dormitory, was named in honor of David Clark, of Hartford, Connecticut, who contributed \$25,000 toward the support of the University. Miner Hall, the dormitory for girls, was named in honor of Miss Myrtilla Miner, one of the pioneers in the education of colored girls in the District of Columbia.¹⁹

The early financial management of the University soon brought it into difficulties. The hopeful spirit of the times and the enthusiasm and faith of those in charge of the enterprise were responsible for the too rapid expansion of the first few years of the existence of the institution which resulted in a constantly growing deficit. A financial statement for the first eight years up to June 30, 1875, leaving out of account the value of lands and buildings given by the Government and of borrowed funds, shows receipts of \$645,067.30 and expenditures of \$744,914.56, leaving a deficit of nearly \$100,000. At the annual meeting of the trustees, May 31, 1873, it was decided that a retrenchment of one half the current expenses would be necessary in order to avert disaster. To effect this the management had to make radical readjustment in the faculties and in the salary schedule. To this end every salaried officer in the University resigned upon the request of the trustees.

In reestablishing the faculties the basis was one of rigid economy and the only way by which the situation could be saved; for the nation-wide financial crisis of 1873 and the lean years that followed precluded the possibility of any increase in the income. The success of this measure²⁰ is

Report of Special Committee of the Trustees of Howard University upon Certain Charges, etc., 1873, and Act of March 3, 1865, establishing the Bureau of Refugees, Freedmen and Abandoned Lands.

¹⁹ It is worthy of note that the magnificent new home of the Myrtilla Miner Normal School of Washington is named in honor of the same noble woman. It stands on a site formerly owned by the University and looks upon Miner Hall several hundred yards away across the campus.

²⁰ Much credit for the skillful financial management of the institution

indicated by the fact that the immediate expenses of the University were reduced from \$57,160.40 in 1872 to \$9,446.19 in 1877. "This heroic treatment," says former President Patton, "far too long delayed, saved the institution, but it cost it much in professors, in students and in prestige." The vessel escaped shipwreck with loss of many of the crew and passengers and a lot of her cargo. The professional departments were cut off from any support from the general funds, and remanded to receipts from tuition fees and special donations. College professorships were reduced from \$2,500 to \$1,200 and a residence worth \$300; and the salaries of other officers were similarly reduced. Incidentals were brought down to the lowest living figure, and finally, with half the main building and a large part of the dormitories closed, the point was reached at which the income covered expenses.²¹

DWIGHT O. W. HOLMES.

during these critical times is due to the secretary and treasurer, Mr. James B. Johnson, who was a potent factor in the early struggles of the institution. He was secretary and treasurer for many years, dying while still in service in 1898.

²¹ William M. Patton, *The History of Howard University*, 1896, pp. 21, 22.

MORE ABOUT THE HISTORICAL ERRORS OF JAMES FORD RHODES

In its issue of October, 1917, *THE JOURNAL OF NEGRO HISTORY* published an article of which I am the author, pointing out some of the historical errors made by Mr. Rhodes in his *History of the United States from the Compromise of 1850 to the Final Restoration of Home Rule at the South in 1877.* Since it appears that Mr. Rhodes has no personal knowledge of the important historical events referred to, he sent a copy of the journal containing the article to a friend who was presumed to be better informed along those lines. Mr. Rhodes referred to him as an expert, with the request that he make a careful examination of the article and write a reply to the same, or perhaps to make such comments as would furnish Mr. Rhodes with the information desired. I have been favored, through a mutual friend, with a copy of that reply, which is now before me and to which I shall now proceed to make a reply.

In a labored effort to weaken the force of what I have written, this expert in his opening generalization made several observations which may be classed under three different heads: first, if the white men referred to by me were of such a high character, why should the acts accredited to them have been of such a low character? second, that I am influenced in what I write about that period by racial bias and the fact that I was an active participant in the events referred to; third, that what I write is based upon my own experience and memory, much of which is liable to be inaccurate through the treachery of memory, the same not being fortified by references to other historical works.

This expert says:

An obvious general comment on the article is that if the Reconstruction period throughout the South and in Mississippi in particular was engineered and controlled by men of such high char-

acter as Mr. Lynch records, why should the acts accredited to them have been of such a low character? It is not enough to say that there were "mistakes"; the measures were too numerous and systematic for this. It is to be noticed that Mr. Lynch does not attempt to controvert statements of events in Mississippi, with one or two exceptions to be considered below. To attempt to review the conclusions to which Mr. Lynch takes exception would involve a review of too great a mass of evidence. The web of Reconstruction is such a tangled one, that even if one has carefully considered a large part of the great bulk of primary material on the subject, generalizations on the period must still be accepted cautiously. This much may be said: Mr. Rhodes's conclusions are in harmony with those of the other trained historical students who have devoted time to a careful study of this period. Mr. Lynch's racial bias, the fact that he was an active participant in the events, and finally that his judgments are based on his own experiences and not on a closer study of a far wider field of material, make whatever he writes of value as source material, but at the same time mitigate against its value as an impartial opinion. This is especially evident from the fact that he makes no attempt either in the article or in his book to substantiate his statements by such references to his authorities as modern historiography demands. His authority is of course, himself and his recollections, and the recognition of the treachery of the memory is a first fundamental in historical work.

Referring to my contention that thousands of white men were identified with the Republican party during the Reconstruction period he further says:

A comparison of census and election statistics do not give support to this fact; and tho such figures are far from exact, they give a basis for generalizing superior to that of any personal recollection, or, indeed, of anything short of a general agreement of contemporary statements to the contrary. No such agreement exists so far as I have been able to search. In Tennessee, North Carolina, Arkansas, and to less extent in Virginia and Texas, there were a considerable number of white Republicans; but in the other southern states in no election between 1868 and 1872 did the Republican vote equal the census figures for Negroes of voting age in 1870. The nearest approach to this was in South Carolina in 1870, when the Republican vote for governor was 85,000 and

the Negroes of voting age 85,400. In Mississippi the nearest approach was in the vote for Grant in 1872, when there were 82,000 votes against the census figures of 90,000. The machinery for getting out the Negro vote, and it was Republican machinery, was such as to permit the assumption that an unusually large percentage of the Negroes voted at the elections.

Undertaking to prove that Dent was not a carpet-bagger, he says:

Tho supported by the Democrats he was nominated by a faction of Republicans; moreover, he was a Missourian by birth, had family connections in Mississippi, and had, while living in California married the daughter of a prominent Mississippian. He was scarcely a typical carpet-bagger. That there should have been a split in the Republican party of the state so early is not a very good argument for the character of the leaders or of the measures they endorsed.

Of the high hopes of such men as Alcorn there can be no doubt; but scarcely less doubtful was the failure to realize their hopes. Alcorn himself favored Negro disfranchisement in 1890.

Referring to others, the expert continues:

Judges Peyton was a Republican, Tarbell a carpet-bagger, but Simrall is generally classed as a Democrat. He was chairman of the state legislative committee that reported in favor of rejecting the 14th Amendment. Riley classes him as a Democrat, as does Garner, tho Mayes calls him a moderate Republican, of the same class as Dent. Tarbell seems to have been a good judge. Garner is lukewarm in his appreciation, but Lamar said that "his decisions attest his extraordinary ability and industry." All commend his uprightness. Tarbell in 1887 called himself a conservative carpet-bagger, one who found himself in the minority. He said that the Republican party in Mississippi collapsed through its own weakness; having devised a constitution in which "there was much to praise and to be proud of, and little to condemn," the party gave birth to legislation of which "the criticism is, in a measure, reversed."¹ The judiciary was the best department of government under Reconstruction in Mississippi.

Taking up the question of ignorant Negro office holders, he says:

¹ *Mag. of Am. History*, XVIII, 424.

All that I find as to Evans, except Garner's statement of "it was alleged," is in an account of Reconstruction in De Soto County, written by I. C. Nichols in the publication of the Miss. Hist. Soc., XI, 307. He does not say that Evans could not read or write, but that his "bondsmen really administered his affairs and ran his office." At one time there was a charge of defalcation against him, but nothing specific, and Nichols concludes that nothing really was wrong. After this some changes were made in his bondsmen and "R. R. West was put in charge of the office and became Sheriff in all but name." West was, perhaps, one of the "honest, efficient, and capable assistants." Evans had been a slave. In Washington County there was also a negro sheriff, Winslow by name. Mr. Lynch does not mention him, but according to the testimony of H. B. Putnam, a carpet-bagger, Winslow was "nominally" sheriff, but his bondsmen ran the office; the sheriff, tho he could read and write, was "incompetent to take charge of his office," which was worth \$10,000 or \$15,000 a year legitimately, and, according to a white Democrat, about \$100,000 by other means.² Scott of Issaquena, whom Mr. Lynch mentions, testified before the Boutwell committee, and so far as can be judged by that testimony he was a man of fair intelligence, tho according to the testimony of one of his own race, not endowed with rash courage.³ The testimony of another carpet-bagger, with reference to Holmes County, is interesting, tho it does not show whether the sheriff-elect was white or black. He was probably not Sumner, as this man never served in the office. This carpet-bagger said that the sheriff of the county having died and this man elected to fill the vacancy the successor arranged to have the witness assist in making the bond. "Other gentlemen hesitated to go on the bond unless I would go there and be responsible for the running of the office." The man was prevented from taking office so nothing came of the arrangement. On the whole such first-hand material as I have been able to find does not uphold Garner entirely in his estimate of this class of officials, especially as to his footnote statement about their dishonesty; neither does it give the impression that they were worthy, as a whole, of the important positions they occupied. If Evans, as described by Rhodes, following Garner, was not typical, neither was Bruce

Mr. Lynch gives figures for 1875 and 1907 on financial matters

² Boutwell, *Report*, 1446, 1470.

³ *Ibid.*, 608.

and on the basis of these claims that the profligacy of Reconstruction finances is not proven. The manifest unfairness of taking figures for 1907 may be passed over; but the necessary basis of comparison must be wider than this. Nor do his conclusions agree with any others that I have seen, nor, which is more important, with other statistics. Both those of the census or those given annually by Appletons' Annual Cyclopædia lead to other conclusions. Just as an illustration of what is said on the other side take this statement, which seems to be that of the land tax. This was 1 mill in 1869, 5 mills in 1870, 4 mills in 1871, $8\frac{1}{2}$ mills in 1872, $12\frac{1}{2}$ mills in 1873, 14 mills in 1874, $9\frac{1}{4}$ mills in 1875, $6\frac{1}{2}$ mills in 1876, $6\frac{1}{6}$ mills in 1877, $3\frac{1}{2}$ mills in 1878. Another point that should be considered is that Mr. Lynch confines his figures to state finances; while it is for local finances that the Reconstruction government of Mississippi is most severely condemned.

Conceding a point in this case, he says:

Mr. Lynch is correct in saying that the Mississippi senators at the time of the state election of 1875 were Alcorn and Bruce. Pease had been succeeded by Bruce on March 4 of that year. Pease opposed Ames but he was no longer senator.

Mr. Lynch, in upholding the Reconstruction policy of Stevens and Sumner and what he calls their desire to delay restoration, seems to have overlooked the fact that the wisest of all the Civil War statesmen desired to get the states back into the Union before Congress should meet in December, 1865. Mr. Lynch is right in thinking that the 14th Amendment was essentially a correct measure, but so also does Mr. Rhodes. The 15th Amendment is quite a different proposition, however. Nor does it follow, because legislation of some sort might have been necessary to enforce the 14th Amendment or to take its place when the South refused to adopt it, that the Reconstruction Acts were the legitimate offspring of that necessity. That the negro soldiers helped to win the war is not proof that the war would have failed without them, or that the necessary price of their valor was suffrage for all the men of their race, the bulk of whom were not capable of understanding it; or that such suffrage was necessary to the preservation of the Union. Oratory, inside or outside of Congress, is not historical proof.

Directing attention to my idea of the undoing of Reconstruction he maintains:

Mr. Lynch's statement that the failure of Reconstruction was due to unwise judicial interpretation need not be considered. It is anachronistic and does not agree with the views now generally accepted by historical students. But what he says of the infidelity of Waite and Bradley can be refuted directly from the Supreme Court Reports. As to the appointment of these justices, there is no evidence that it was because of any specially strong nationalistic position on their part. Bradley, if chosen for any particular views, got the justiceship because of his attitude on legal tender; and the conditions under which Waite was appointed do not show up any such bias on his part. In *U. S. v. Reese* the court stood seven to two; and the dissentients were Clifford, a Democrat, and Hunt, appointed by Grant.

In *U. S. v. Harris* (the Ku Klux decision) Woods delivered the decision. Harlan alone dissented and only on the question of jurisdiction. The bench at that time held two judges appointed by Lincoln, two by Grant, two by Hayes, one by Garfield, and two by Arthur. The Civil Rights Cases decision was delivered by Bradley. Harlan was the only dissenter. These were the three important Reconstruction decisions during the term of Waite and Bradley. All of them were delivered after Reconstruction had failed. On the other hand, Bradley delivered the opinion in *Ex parte Siebold*, in which the federal election laws were upheld, and Field and Clifford were the only ones who disagreed with it.

In the first place, I frankly confess that what I have written and shall write in defense of the reconstructed governments at the South has been and will be of very little value if it were conceded that the acts accredited to the men to whom I have referred were of a low character. This is the very point upon which the public has been misinformed, misled and deceived. I do not hesitate to assert that the Southern Reconstructed Governments were the best governments those States ever had before or have ever had since, statements and allegations made by Mr. Rhodes and some other historical writers to the contrary notwithstanding. It is not claimed that they were perfect, but they were a decided improvement on those they succeeded and they were superior in every way to those which are representative of what Mr. Rhodes is pleased to term the restoration of

home rule. They were the first and only governments in that section that were based upon the consent of the governed. If Mr. Rhodes honestly believed that what he wrote in condemnation and denunciation of those governments was based upon authenticated facts, then the most charitable view that can be taken in his case is that he, like thousands of others, is simply an innocent victim of a gross deception.

In the second place, whether or not I am influenced by racial ties or partisan bias in what I have written and may hereafter write, I am willing to allow the readers to decide. I am sure that they have not failed to see from what I have thus far written, that the controlling purpose with me is to give actual facts, free from racial partiality or partisan bias. If some of the things I have written appear otherwise, it is due to the fact that the misrepresentations I am pointing out and correcting have been in the opposite direction. The idea that I have endeavored to keep in mind is, that what the readers and students of American history desire to know is the unbiased truth about the important events of the period in question and not the judgment and opinions of the person or persons by whom they are recorded.

In the third place, the statement that the value of what I have written is impaired because what is said about the important events of the period in question is based in the main upon my own knowledge and experience, must impress the intelligent reader as being strange and unusual. He discredits what I say too because I do not make reference to source materials. What this expert himself has to say is, like most studies of Reconstruction, based on ex-parte evidence which is in violation of all rules governing modern historical writing. No just judge would rely altogether on the testimony of one's enemies to determine the truth.

With reference to the period under consideration, the difference between what I have written and what has been written by Mr. Rhodes and some other historical writers is what the lawyers would call the difference between

primary and secondary evidence. The primary is always considered the best evidence, the secondary to be used only when the primary can not be obtained. And yet what I have written is not based wholly upon memory. It is only so with reference to distinguished persons and important events and tendencies, which are not likely to be inaccurate through the treachery of memory. The statistical information I have given is not from memory, but from the files of the official records which are accessible to the public. But it appears that Mr. Rhodes and some other historical writers used only such parts of the official records as answered the purpose they seemed to have in view, which evidently was to mislead and deceive the public. This is virtually admitted by Mr. Rhodes's expert, in stating that "the point Mr. Lynch makes about the defalcation of Hemingway is an interesting one, and one that is evidently carefully kept in the background by the local writers." Yes, they not only kept that point in the background, but all other points that were not in harmony with the purpose they seemed to have in mind, which was evidently one of deception and misrepresentation.

The reader will not fail to see that Mr. Rhodes's nameless expert passed over in silence a number of important points in my article. Some of those alluded to by him he frankly admitted to be right, as in the case of Treasurer Hemingway. In the case of Mr. Evans, the Negro sheriff of De Soto County, he relies upon a statement written by a Mr. Nichols of that county who was evidently a partisan, who makes an effort to paint Mr. Evans in as unfavorable a light as possible, and yet he fails to confirm the allegation that Mr. Evans could neither read nor write, but concludes his communication with the declaration "that nothing really was wrong." Judging from what is written by Mr. Rhodes's expert I conclude that Garner is the one from whom Mr. Rhodes obtained most of his misinformation. Yet in speaking of the Negro sheriffs in a general way Mr. Rhodes's expert was frank enough to say: "On the whole such first-hand material as I have been able to find does not

uphold Garner entirely in his estimate of this class of officials, especially as to his footnote statement about their dishonesty." This bears out the statement made by me that if Mr. Rhodes had desired to be fair and impartial he would have taken all the colored sheriffs into consideration and would have drawn an average, which would have shown that in point of intelligence, capacity and honesty they would have compared favorably with the whites.

The assertion made by me that the Republican party in the State of Mississippi included in its membership many of the best and most substantial white men in that State is disputed because the Republican vote in the State at the Presidential election of 1872 happened to be only a few thousand less than the number of Negroes in the State of voting age, as shown by the census of 1870. It is, therefore, assumed that very few if any white men voted the Republican ticket at that election. To ascertain the voting strength of a political party census figures cannot be relied upon with any degree of certainty, but since Mr. Rhodes's expert seems to think otherwise I am perfectly willing to accept them in this instance for what they may be worth. The number of Negroes of voting age in the State at that time, as shown by the census of 1870, was 88,850; whites 76,909, colored majority, 11,941, and yet the Republican majority in 1872 was 34,887. If the voting strength of the two parties were in proportion to the number of blacks and whites in the State, as this expert would have the public believe, and the percentage of blacks and whites who voted were about the same, which can be safely assumed, the Republican majority in that case could not have been more than 12,000, whereas it was nearly three times that number. Assuming that the Republican and Democratic vote combined comprised the whole number that voted at that election, the total number of votes polled was 129,463, which was 36,296 less than the number of voters in the State. Of the 36,296 that did not vote I estimate that at least 16,000 of them were white men. Subtract the 16,000 from the 76,909 white voters and it will be seen that the number

of white men that voted at that election was 60,909, and yet the Democratic vote was 47,288, which was 13,621 less than the number of white men that voted. My own estimate is that of the 82,175 Republican votes, 61,266 were cast by the blacks and 20,909 by the whites. Of the 47,288 Democratic votes, 40,000 were cast by the whites and 7,288 by the blacks.

From the above estimate it will be seen that more than one third of the white men that voted at that election voted the Republican ticket. This estimate is strengthened when the result of the election in the different counties is taken into consideration. The Republicans not only carried every county in which the Negro voters had a majority, but also a number of counties in which the whites were in the majority. The majority by which the State was carried by Alcorn in 1869 was about the same as that by which it was carried by Grant in 1872. Alcorn not only carried a number of white counties, but ten of them elected Republicans to the Legislature, two of them, Lawrence and Marion, elected each a Negro member. The ten counties were Pike, Lawrence, Marion, Jackson, Jasper, Clark, Lee, Leak, Lafayette and Attala. Judge Green C. Chandler, afterwards a judge of the Circuit Court and later U. S. District Attorney, was elected from Clark. Hon. H. W. Warren, who succeeded Judge Franklin as Speaker of the House, was elected from Leak, Judge Jason Niles and Hon. E. Boyd, both able and brilliant lawyers, were elected from Attala. Judge Niles was afterwards appointed a Judge of the Circuit Court and later served as a Republican member of Congress.

In the opinion of this expert Judge Dent, the Democratic candidate for Governor in 1869, was scarcely a typical carpet-bagger because he was born in Missouri and had family connections in Mississippi. Still if he were not a typical carpet-bagger, then we had none in the State, because the designation included all those that settled in the State after the war was over. Judge Dent was one of that number. But I may be able to give Mr. Rhodes what was believed to

be the principal reason that influenced the Democrats to support Judge Dent. He was President Grant's brother-in-law. Hence it was hoped and believed that in this case family ties would prove to be stronger than party ties and that the national administration would support Dent instead of Alcorn, the Ex-Confederate. But in this case they were mistaken. Grant had been elected as a Republican, and he could not be induced to throw the weight of his influence against his own party, even in a State election, merely to contribute to the realization of the personal ambition of his wife's brother. It is true that a few men who called themselves Republicans also supported Judge Dent, but the result of the election was conclusive evidence that the so-called split in the party was not at all serious.

Speaking of the three Supreme Court Judges, the expert admits that Peyton and Tarbell were Republicans, but Simrall, he claims, is generally classed as a Democrat. In support of this assertion attention is called to the fact, among others, that he was chairman of the State legislative committee that reported in favor of rejecting the 14th Amendment. But that was before the passage of the Reconstruction Acts and before the Republican party in the State was organized. Judge Simrall joined the Republican party in 1868 or 1869. What I asserted and now repeat is that he was a Republican when he was made a Justice of the State Supreme Court in 1870. Even if he, like thousands of others, rejoined the Democratic party, that would not disprove my assertion that he was a Republican while he was on the bench. But it appears that he was not one of those that rejoined the Democrats, but remained a Republican to the day of his death. In 1884, nine years after the *Redemption*, he canvassed the State for Blaine and Logan, Republican candidates for President and Vice-President. In 1890 the Democrats of Warren County in selecting suitable persons to represent them in the State Constitutional Convention to be held in the fall of that year were anxious to have the benefit of the knowledge, ability and experience of Judge Simrall. They took the liberty of placing his

name on their ticket to which it appears he made no objection, and in that way he was elected a delegate to that convention. But did that make him a Democrat? I am sure both Mr. Rhodes and his expert will allow Judge Simrall to answer that question for himself and that they will accept his answer as conclusive on that point. For his answer to that question they are respectfully referred to page 704 of the official journal of the Constitutional Convention of 1890. They will see that the members of the convention were politically classified. Each member, of course, furnished the information about his own party affiliations. It will be seen that Judge Simrall is classified as a "National Republican." Ex-Governor Alcorn was also a member of that convention, having been elected from Coahoma County in the same way. His political classification is that of a "Conservative." So it seems that neither Simrall nor Alcorn rejoined the Democratic party. Instead, therefore, of Republicans being obliged to utilize Democratic material in the selection of Judges, as erroneously stated by Mr. Rhodes, it seems that the Democrats were obliged to utilize Republican talent, experience and ability to assist them in framing a new constitution. I am sure the assertion can be safely made that Simrall and Alcorn were not among the "lovers of good government" who rejoiced "at the redemption of Mississippi" through the employment of means that Mr. Rhodes so much regretted.

"The judiciary," the expert asserts, "was the best department of government under Reconstruction in Mississippi," and yet the Judges were all appointed by the Governor, by and with the advice and consent of the Senate. It goes without saying that if the Governor's appointees were good, the appointing power was equally as good. The expert virtually admits that there was no justification for the declaration that "all lovers of good government must rejoice at the redemption of Mississippi," when he used the following language: "Mr. Lynch confines his figures to state finances; while it was for local finances that the Reconstruction government of Mississippi is most severely

condemned." In other words, there was nothing wrong with the State administration; it was the local county and municipal governments that were bad. And yet, a fair and impartial investigation will reveal the fact that there is no more foundation for this allegation than for those about the State government. It is admitted that during the early part of Reconstruction the local tax rate was high, the reasons for which are fully explained in *The Facts of Reconstruction*. Such an investigation would show that the charges of extravagance, recklessness and maladministration so generally made about the administration of county and municipal affairs were grossly exaggerated and nearly, if not all of them wholly untrue. In fact, the expert flatly contradicts himself on this point, because he admits that the evidence does not support the charge of dishonesty in the case of the Negro sheriffs, and yet the sheriff is the principal officer in the administration of the county government.

With reference to the financial affairs of the State the expert makes no effort to disprove a single statement I have made. He simply makes the broad statement that my conclusions do not agree with other statistics, and yet he fails to produce the statistics with which they do not agree. To illustrate his point he calls attention to the different *rates* of taxation covering a period of about ten years, which if true is of no importance in this connection because the same has no bearing upon the material point now under consideration. The tax *rate* is always determined by the amount of money needed to meet the obligations of the State, predicated upon the assessed value of taxable property. Changes in the tax rate, therefore, are liable to be of frequent occurrence. The material point at issue is the volume of money paid into the treasury and the disposition made of it. In this connection a slight amplification of the figures already given will not be inappropriate. In 1875, the last year of Republican rule and the year the State was *redeemed*, the total receipts from all sources amounted to \$1,801,129.12. The disbursements, same year, were \$1,430,192.83, or

\$370,936.29 less than was received. In 1907 the receipts from all sources amounted to \$3,391,127.15. The disbursements, same year, were \$3,730,343.29 or \$339,216.14 more than was received, and \$2,300,150.46 more than was paid out in 1875. In fact, the financial condition of the State during several years was such that the Legislature was obliged to authorize the issuance of bonds upon which to borrow money to meet current demands, thus adding materially to the bonded debt of the State. Can any thing more inexcusable and indefensible than this be imagined? That any one of the Reconstructed governments could possibly have been guilty of such maladministration as this is inconceivable. And yet, this administration typifies what Mr. Rhodes is pleased to term the restoration of home rule at the South, for which all lovers of good government should rejoice.

The expert admits that I am right in what was said about Senators Alcorn and Bruce, but asserts that Senator Pease, Mr. Bruce's immediate predecessor, was opposed to Ames. This is another assertion that is not in harmony with the truth. Ames was a United States Senator when he was elected Governor. When he resigned the Senatorship to become Governor there remained about fourteen months of his term. There devolved, therefore, upon the Legislature that was elected in 1873, the same time Senator Ames was elected Governor, the duty of electing a Senator for the full term and also for the unexpired term. Bruce, an Ames man, was elected for the full term and Pease, also an Ames man, was elected for the unexpired term. If Pease had been opposed to Ames he could not have been elected to the Senate by that Legislature for that was unquestionably an Ames Legislature. It is true Pease was defeated for renomination for State Superintendent of Education by the Convention that nominated Ames, still he loyally supported the ticket and after the election he was looked upon as one of the friends and supporters of the Ames Administration. As such and for that reason he was elected as one of the administration Senators. I was a

member of Congress at that time and, therefore, had occasion frequently to confer with Senator Pease. If he were opposed to Ames, I am sure that both Mr. Rhodes and his expert will admit that I would have known it; and yet I do not hesitate to say that Senator Pease never did by word, act or deed cause me to entertain the slightest suspicion that he was not a loyal friend and supporter of the Ames Administration.

In regard to the decisions of the Supreme Court, the expert simply makes the declaration that the statement made by me that the failure of Reconstruction was due to unwise judicial interpretation need not be considered. In the first place, it is not true that I admitted that Reconstruction was a failure. On the contrary, those who will carefully read what I wrote will not fail to see that my contention is that in its important and essential particulars that policy was a grand and brilliant success and I instanced the ratification of the 14th and 15th Amendments, neither of which could have otherwise been ratified, as a vindication of the wisdom of that legislation even if nothing else had resulted from it. It is admitted that some of the friends and supporters of the Congressional plan of Reconstruction have been disappointed because those governments did not and could not stand the test of time. To this extent and for this reason some persons claim that the policy was a failure. I am not one of that number, the reasons for which the readers of the article referred to will see. But the inability of those governments to stand the test of time I accounted for under three heads, one of which was several unfortunate decisions rendered by the Supreme Court, the result, in my opinion, of two unwise appointments made by President Grant in the persons of Chief Justice Waite and Associate Justice Bradley. I do not assert that those two judges, or any others, for that matter, were appointed with reference to their attitude upon any public question, still I am satisfied that they were believed to be in accord with the other leaders and constitutional lawyers in the Republican party in their construction of the 14th Amendment.

The constitutional warrant for the Civil Rights Bill is the clause which declares that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It was therefore held that any law or ordinance which provided for, recognized or sanctioned separate facilities for the two races in the exercise and enjoyment of the rights and privileges that are supposed to be common to all classes of persons, would be a violation of this provision of the 14th Amendment; and since Congress was authorized to enforce the Amendment, affirmative legislation for the enforcement of that provision was held to be thus warranted. This view was held by such able and brilliant constitutional lawyers as Edmunds and Conkling in the Senate, and Butler, George F. and E. Rockwood Hoar, Lyman Tremain, Garfield and Wilson in the House. Senator Carpenter was the only Republican lawyer of any note that took a different view of the matter. While he believed the whole bill was unconstitutional, the section prohibiting race discrimination in the selection of jurors in State courts he believed to be especially obnoxious to the constitution. He declared that if that section could stand the test of a judicial decision all the others could and should. And yet the court, through a decision handed down by Mr. Justice Strong, affirmed the constitutionality of that section, but in a decision delivered by Mr. Justice Bradley the section providing for equal accommodations in hotels, inns and places of amusement was declared unconstitutional except in the District of Columbia and the territories. In several subsequent decisions, giving in the main the opinion of Chief Justice Waite, some of the most vital and important sections of the enforcement acts, especially those having for their object the protection of individual citizens, through federal machinery, when necessary, against domestic violence, were also declared to be unconstitutional and void.

I am of the opinion, shared in by many others, that if men of the type of Edmunds and Conkling had been appointed Supreme Court Justices instead of Waite and Bradley, the rulings of the court in the important cases referred

to might have been, and I think would have been, different. The unfortunate thing about those decisions is the wide scope of authority thus conceded to the States. In other words, they amount to a judicial recognition of the dangerous doctrine of States Rights—a doctrine which has been the source and the cause of most of our domestic troubles and misfortunes since those decisions were rendered. But for those unfortunate decisions our country would not be cursed and disgraced today by lynch law and other forms of lawlessness and racial proscription and discrimination. But for those unfortunate decisions lynchings could have been and I am sure would have been held to be an offense against the peace and dignity of the United States as well as the State in which the crime is committed. Consequently, the criminals could be, and in most cases would be, prosecuted in the United States courts, as was done in the case of many of the leaders of that secret criminal organization called the Ku Klux Klan. But this took place before the decisions referred to were rendered. The court has also decided that a State law providing separate accommodations for white and colored people on railroad trains, at least for a passenger whose journey begins and ends in the same state, is not an abridgment in violation of the constitution, provided the accommodations for the two races are exactly equal. This means that the validity even of those laws will not be affirmed whenever it can be shown that the accommodations are not equal, which can be very easily done. *Equal* separate accommodations are both a physical and a financial impossibility. It is simply impossible for a railroad company to provide the same accommodations for one colored passenger that it provides for one hundred whites. If, then, a colored passenger cannot occupy a seat or a sleeping berth in a car in which white persons may be passengers, this will not only be an abridgment, but in some cases, an absolute denial of such accommodations. The ultimate nullification of such unfair, unjust and unreasonable laws must necessarily follow.

In spite of the unfavorable rulings of the court, as above

noted, that tribunal, as at present constituted, has rendered several very important decisions which have given the friends of national supremacy and equal rights much hope and encouragement, the most important of which is the one declaring unconstitutional and void the ordinances providing for the segregation of the races in the purchase and occupation of property for residential purposes in several cities. The decision in this case was broad, comprehensive and far-reaching. This important, fair and equitable decision has given the colored American new hope and new inspiration. It has strengthened and intensified his loyalty and devotion to his country, his government, its flag and its institutions. It makes him feel that with all of its faults and shortcomings, our *form* of government is superior to, and better than that of any other, and that by a few more decisions along the line of this one, which I hope and believe may be safely anticipated, every justifiable cause of complaint on the part of the Negro will have been removed, because the evils resulting from the unfavorable and unfortunate rulings above noted will have been remedied and cured. Our type of democracy will then be what it now purports to be, pure and genuine. It will then be in truth and in fact the land of the free and the home of the brave. It will then be a typical representative of that form of democracy under which there can be no slave, no vassal and no peon, but every one will be an equal before the law in the exercise and enjoyment of life, liberty and property and in the exercise and enjoyment of such public rights and privileges as are, or should be, common to all citizens alike, without distinction or discrimination based upon differences of race, color, nationality or religion. These were the aims the framers of the Fourteenth Amendment had in view when that Amendment was drawn, and from present indications it seems to be clear that the highest court in the land will not allow the same to be defeated.

But the most significant point about the segregation decision grows out of the fact that the fair, reasonable, sound and equitable principles therein set forth and clearly

enunciated received the approbation and endorsement of a unanimous court consisting of nine Judges in which conflicting and antagonistic political views are presumed to be represented. This indicates that the day is not far off when the so-called race question will cease to be a political factor, and that all political parties will recognize merit and not race, fitness and not color, experience and not religion, ability and not nationality as the tests by which persons must be judged, not only in the administration of the government but in the industrial field as well. For the accomplishment of these desirable purposes, men of the type of James Ford Rhodes should give their support instead of allowing the same to be used in the interest of that small class of unpatriotic Americans who seek political distinction and official recognition at the expense of racial harmony and brotherly love.

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DOCUMENTS.

LETTERS OF GOVERNOR EDWARD COLES BEARING ON THE STRUGGLE OF FREEDOM AND SLAVERY IN ILLINOIS¹

Edward Coles was born of distinguished parentage in Albemarle County, Virginia, December 15, 1786. He was educated at Hampden-Sidney and William and Mary College, having as classmates Lieutenant-General Scott, President John Tyler, Senator William S. Archer and Mr. Justice Baldwin, of the Supreme Court of the United States. At the age of twenty-three his father had bequeathed him a large plantation with a number of slaves. "Of a polished education, fine personal appearance, good manners and irreproachable character,"² he so impressed President Madison that he made him his private secretary in 1809. In this position he became well informed in public affairs and useful to the President.

Early in Coles' college days he discussed with himself the question as to whether the declaration that "all men are born free and equal" could be harmonized with slavery. He reached the conclusion that the institution should not exist in a country claiming to be a democracy. He, therefore, resolved that he would not hold slaves and would not live in a slave-holding State.

Enjoying the confidence of Jefferson, Coles took up with him the important question of emancipating his slaves in the year 1814. The letter follows:

EDWARD COLES TO THOMAS JEFFERSON

WASHINGTON, July 31, 1814.

Dear Sir:—I never took up my pen with more hesitation, or felt more embarrassment than I now do in addressing you on the

¹ These letters are taken from E. B. Washburne's *Sketch of Edward Coles, Second Governor of Illinois, and of the Slavery Struggle of 1823-1824*.

² *Ibid.*, p. 18.

subject of this letter. The fear of appearing presumptuous distresses me, and would deter me from venturing thus to call your attention to a subject of such magnitude, and so beset with difficulties as that of a general emancipation of the slaves of Virginia, had I not the highest opinion of your goodness and liberality, in not only excusing me for the liberty I take, but in justly appreciating my motives in doing so.

I will not enter on the *right* which man has to enslave his brother man, nor upon the moral and political effects of slavery on individuals or on society; because these things are better understood by you than by me. My object is to entreat and beseech you to exert your knowledge and influence in devising and getting into operation some plan for the gradual emancipation of slavery. This difficult task could be less exceptionally and more successfully performed by the revered fathers of all our political and social blessings than by any succeeding statesmen; and would seem to come with peculiar propriety and force from those whose valor, wisdom and virtue have done so much in ameliorating the condition of mankind. And it is a duty, as I conceive, that devolves particularly on you, from your known philosophical and enlarged view of subjects, and from the principles you have professed and practiced through a long and useful life, pre-eminently distinguished as well by being foremost in establishing on the broadest basis the rights of man, and the liberty and independence of your country, as in being throughout honored with the most important trusts of your fellow citizens, whose confidence and love you have carried with you into the shades of old age and retirement. In the calm of this retirement you might, most beneficially to society, and with much addition to your own fame, avail yourself of that love and confidence to put into complete practice those hallowed principles contained in that renowned Declaration, of which you were the immortal author, and on which we founded our right to resist oppression and establish our freedom and independence.

I hope the fear of failing, at this time, will have no influence in preventing you from employing your pen to eradicate this most degrading feature of British Colonial policy, which is still permitted to exist, notwithstanding its repugnance as well to the principles of our revolution as to our free institutions. For however prized and influential your opinions may now be, they will still be much more so when you shall have been taken from us by the course of nature. If, therefore, your attempt should now fail to

rectify this unfortunate evil—an evil most injurious both to the oppressed and to the oppressor—at some future day when your memory will be consecrated by a grateful posterity, what influence, irresistible influence will the opinions and writings of Thomas Jefferson have in all questions connected with the rights of man, and of that policy which will be the creed of your disciples. Permit men then, my dear Sir, again to entreat your great powers of mind and influence, and to employ some of your present leisure, in devising a mode to liberate one-half of our fellow beings from an ignominious bondage to the other, either by making an immediate attempt to put in train a plan to commence this goodly work, or to leave human nature the invaluable Testament—which you are so capable of doing—how best to establish its rights; so that the weight of your opinion may be on the side of emancipation when that question shall be agitated, and that it will be sooner or later is most certain. That it may be soon is my most ardent prayer—that it will be, rests with you.

I will only add as an excuse for the liberty I take in addressing you on this subject which is so particularly interesting to me, that from the time I was capable of reflecting on the nature of political society, and of the rights appertaining to man, I have not only been principled against slavery, but have had feelings so repugnant to it as to decide me not to hold them; which decision has forced me to leave my native State, and with it all my relations and friends. This, I hope, will be deemed by you some excuse for the liberty of this intrusion, of which I gladly avail myself to assure you of the very great respect and esteem with which I am, my dear Sir, your very sincere and devoted friend,^s

EDWARD COLES.

He wrote Jefferson the following concerning the same question about two months later:

WASHINGTON, Sep. 26th, '14.

I must be permitted again to trouble you, my dear Sir, to return my grateful thanks for the respectful and friendly attention shown to my letter in your answer of the 25th ult. Your favorable reception of sentiments not generally avowed, if felt, by our countrymen, but which have ever been so inseparably interwoven with

^s Jefferson's reply was published in THE JOURNAL OF NEGRO HISTORY, Vol. III, p. 83.

my opinions and feelings as to become, as it were, the rudder that shapes my course, even against a strong tide of interest and of local partialities, could not but be in the highest degree gratifying to me. And your interesting and highly prized letter conveying them to me in such flattering terms, would have called forth my acknowledgments before this but for its having been forwarded to me to the Springs, and from thence it was again returned here before I received it, which was only a few days since.

Your indulgent treatment encourages me to add that I feel very sensibly the force of your remarks on the impropriety of yielding to my repugnancies in abandoning my property in slaves and my native State. I certainly should never have been inclined to yield to them if I had supposed myself capable of being instrumental in bringing about a liberation, or that I could by my example ameliorate the condition of these oppressed people. If I could be convinced of being in the slightest degree useful in doing either, it would afford me very great happiness, and the more so as it would enable me to gratify many partialities by remaining in Virginia. But never having flattered myself with the hope of being able to contribute to either, I have long since determined, and should but for my bad health ere this, have removed, carrying along with me those who had been my slaves, to the country north-west of the river Ohio.

Your prayers I trust will not only be heard with indulgence in Heaven, but with influence on Earth. But I cannot agree with you that they are the only weapons of one at your age; nor that the difficult work of cleansing the escutcheon of Virginia of the foul stain of slavery can best be done by the young. To expect so great and difficult an object, great and extensive powers, both of mind and influence, are required, which can never be possessed in so great a degree by the young as by the old. And among the few of the former who might unite the disposition with the requisite capacity, they are too often led by ambitious views to go with the current of popular feeling rather than to mark out a course for themselves, where they might be buffeted by the waves of opposition; and indeed it is feared that these waves would in this case be too strong to be effectually resisted by any but those who had gained by a previous course of useful employment the firmest footing in the confidence and attachment of their country. It is with them, therefore, I am persuaded, that the subject of emancipation must originate; for they are the only persons who have it in their

power effectually to arouse and enlighten the public sentiment, which in matters of this kind ought not to be expected to lead, but to be led; nor ought it to be wondered at that there should prevail a degree of apathy with the general mass of mankind, where a mere passive principle of right has to contend against the weighty influence of habit and interest. On such a question there will always exist in society a kind of *vis inertia*, to arouse and overcome, which requires a strong impulse, which can only be given by those who have acquired a great weight of character, and on whom there devolves in this case a most solemn obligation. It was under these impressions that I looked to you, my dear Sir, as the first of our aged worthies to awaken our fellow-citizens from their infatuation to a proper sense of justice, and to the true interest of their country; and by proposing a system for the gradual emancipation of our slaves, at once to form a rallying point for its friends, who, enlightened by your wisdom and experience, and supported and encouraged by your sanction and patronage, might look forward to a propitious and happy result. Your time of life I had not considered as an obstacle to the undertaking. Doctor Franklin, to whom, by the way, Pennsylvania owes her early rid-dance of the evils of slavery, was as actively and as usefully employed on as arduous duties after he had past your age as he had ever been at any period of his life.

With apologizing for having given you so much trouble on this subject, and again repeating my thanks for the respectful and flattering attention you have been pleased to pay to it, I renew the assurances of the great respect and regard which makes me most sincerely yours

EDWARD COLES.

Coles went west to find a suitable location for settlement but was delayed in carrying out the enterprise by serving on a special mission to Russia in 1816. He then moved in 1819 to Edwardsville, Illinois, where he emancipated his slaves. Arriving in that State just at the time its citizens were trying to decide whether or not that commonwealth should be a slave or free State, this anti-slavery man turned the tide in favor of freedom. He had been in the State only three years when he was nominated by the anti-slavery party for governor. He received a minority of the

votes cast at the election in 1822; but owing to a split in the pro-slavery party which divided its votes between two candidates, Coles was elected, although the friends of slavery elected their candidate for lieutenant-governor and a majority of the members of both branches of the legislature. There ensued then a struggle to have a convention called so to change the constitution as to make Illinois a slave State.

Judge Gillespie, a contemporary, described the situation as follows:

It was conceded in those days that a State formed out of the "North West Territory" could not be *admitted* into the Union contrary to the provisions of the ordinance of 1787, which prohibited slavery, but the slavery propagandists contended that you could, the next day after being admitted under an *anti-slavery* constitution, change the constitution so as to admit slavery, and in that way, "whip the devil around the stump." It was likewise contended that slavery existed in Illinois beyond Congressional interference, by virtue of the treaty (of 1763) between France and England, and that between England and the United States at the close of the Revolutionary War, in both of which the rights of the French inhabitants were guaranteed. One of these rights was that of holding slaves, which, it was contended, was protected by treaty stipulation, and was equal in binding effect, to the Constitution (of the United States) itself. Besides, it was maintained, that by the conquest of George Rogers Clark, this country became a part of Virginia, and that Congress had no more power to abolish slavery in Illinois, than it had in Virginia. The logic of the times was that the French inhabitants had the right to hold slaves, and that the other inhabitants had equal rights with the French—ergo: they all had the right to hold slaves. This was the argument of the celebrated constitutional expounder—John Grammar, of Union county—in the Legislature in reply to an intimation questioning the validity of the title of slaves in Illinois. The old gentleman instantly arose and remarked "that fittener men" than he was "mout hev been found to defend the masters agin the sneakin' ways of the infernal abolitioners; but havin' rights on my side, I don't fear, Sir. I will show that are proposition is unconstitutional, illegal, and fornenst the compact. Don't every one know, or leastwise had ought to know, that the Congress that sot at *Post Vinsan*, garnisheed to the old French inhabitants the right



to their niggers, and haint I got as much rights as any Frenchman in this State? Answer me that, Sir." Notwithstanding this seeming confidence, these men were exceedingly desirous of reinforcing their rights. They resorted to the indenturing method, by which they got their servant to go before some officer and bind himself to serve the master, generally for ninety-nine years, for which he was to receive a slight equivalent at the end of each year.

As the "Yankees" increased in numbers, confidence (on the part of the pro-slavery men) in the titles to their negroes, diminished, and they finally concluded that there was no assurance for them, except in changing the constitution so as to sanction slaveholding and thus the contest commenced, which for fierceness and rancor excelled anything ever before witnessed. The people were at the point of going to war with each other. The pro-slavery men were, as they have always been ready to resort to violence whenever they dared, unwilling to listen to, or incapable of comprehending arguments. Their method of overcoming opposition was by "bulldozing"; but on this occasion they had to encounter men of invincible courage, who were eager and willing to 'beard the lion in his den,' and defend their rights at all hazards. Many of these men had removed to Illinois to get rid of the curse of slavery.

This scheme, however, was with much difficulty defeated and the State was saved for freedom. The intensity of this struggle has been well described by Governor Reynolds in his *My Own Times*. He says:

The convention question gave rise to two years of the most furious and boisterous excitement and contest that ever was visited on Illinois. Men, women and children entered the arena of party warfare and strife, and the families and neighborhoods were so divided and furious and bitter against one another, that it seemed a regular civil war might be the result. Many personal combats were indulged in on the question, and the whole country seemed, at times, to be ready and willing to resort to physical force to decide the contest. All the means known to man to convey ideas to one another were resorted to, and practised with energy. The press teemed with publications on the subject. The stump-orators were invoked, and the pulpit thundered anathemas against the introduction of slavery. The religious community coupled freedom and christianity together, which was one of the most powerful levers used in the content. At one meeting of the friends of free-



dom in St. Clair county, more than thirty preachers of the gospel attended and opposed the introduction of slavery into the State.

This contest has been further described by W. H. Brown. He says:

The struggle which now commenced, and was continued through the succeeding eighteen months, was one of no ordinary character. Our previous elections had been conducted with warmth and zeal; but into this canvass was infused a bitterness and malignity which the agitation of the Slavery question only engenders. Why it always produces this result, is worthy of the investigation of the moralist and philosopher. Other great evils, political or moral, are discussed with freedom, and measures for their amelioration or prevention meet with no outward opposition; but call in question the right of one man to enslave another, or even make an effort to confine this gigantic sin to the territory in which it exists, and the fiercest passions are aroused in the hearts of its advocates, and the lack of power alone, saves their opponents from utter destruction.

In this spirit was the contest of 1823-4 waged. Old friendships were sundered, families divided and neighborhoods arrayed in opposition to each other. Threats of personal violence were frequent, and personal collisions a frequent occurrence. As in times of warfare, every man expected an attack, and was prepared to meet it. Pistols and dirks were in great demand, and formed a part of the personal habiliments of all those conspicuous for their opposition to the Convention measure. Even the gentler sex came within the vortex of this whirlwind of passion; and many were the angry disputations of those whose cares and interests were usually confined to their household duties.

It will doubtless be profitable, therefore, to study the following letters showing Governor Coles' connection with the anti-slavery movement during the early history of Illinois.

GOVERNOR COLES TO RICHARD FLOWERS

Dear Sir:—I would have made my acknowledgments to you long since for your kind letter of 13th of February, but for my having been prevented from writing by the bearer of it, from the haste with which he took his departure hence, and for my being much harassed by the business attendant on the approaching ad-

jourment of the Legislature; and for my having gone soon after the adjournment to Edwardsville, where I was detained until a few days since by torrents of rain which have deluged the country and rendered the streams and roads impassable. The perusal of your letter afforded me particular pleasure. It breathes the genuine sentiments of a Republican and of a philanthropist; and produced an emotion which was "pleasing though mournful to the soul." Pleasing that an adopted citizen should possess principles so entirely accordant with our free institutions; and as it held out encouragement that the people would not sanction the late conduct and measures of their Representatives—mournful, that if the slave faction should succeed, how unpleasant and truly unfortunate the situation of many of us, who have removed from a great distance and invested our all in property which we shall be compelled to abandon or to sacrifice, to seek new homes we know not where; or remain in a community whose principles and practice are not only entirely at variance with our own, but of a character calculated daily to harrow up our feelings in the most painful way. I was born in the very bosom of negro slavery; have seen it in all its bearings; reflected well upon the nature of it, and having found it impossible to reconcile it either with my political or religious creed, I abandoned my native State, my aged parents and relations, to seek in this State a community whose principles and practice I presumed were in unison with my own. Judge, then, of my feelings at the efforts which have been made and are now making to change this free community of ours into a truly odious one, consisting of masters and slaves—and you can judge the better as your situation and principles are very similar with mine. The great inducement with us both to emigrate to this State was the firm belief that we should not be disturbed by the clanking of the fetters of Slavery; that tyranny would not be given a legal sanction, nor afforded the food on which it could prey. But the majority of the people's representatives, having by the most violent and unprecedented measure, taken a step with the view of breaking down those barriers to oppression, which had been erected by the wisdom and virtue of those who framed the fundamental law of the State, and which you and many of us considered, if not sacred, at least to have been permanently settled, it becomes us to be on the alert to defeat a measure, which if it should succeed, will not only be ruinous, and in the highest degree unjust to many of us who have emigrated here under the most solemn assurance

that "neither slavery nor involuntary servitude" should exist; but it will be of incalculable injury to the interest of the State, of the Union, and of the extension and advancement of freedom, and the amelioration of the human race.

You reside in a favorable situation to aid with effect this great question. The county just below you forms the dividing line between the sections of country in which the free and slave parties predominate. It has occurred to me that the friends of freedom would give ample support, and that the good cause would be greatly promoted by establishing a printing press on the Eastern side of the State. And I know of no place where it could be established to so much advantage, as at Albion. Besides the advantage it has in locality, there are in Albion, and its vicinity, many persons who wield chaste and powerful pens, and who have the means, and, I trust, the disposition of patronizing an establishment of the kind. Pardon me for asking it as a favor to me personally, and as a sacrifice to the furtherance of the best and most virtuous of causes, that all personal, sectional, national, county or town feelings, and all other unkind feelings, let them originate from what cause they may, shall be buried, at least while the great question is pending. I will write and ask the same favor of Mr. Birkbeck. I have but little news. From all I can learn a considerable majority of the people of the counties situated in the north-west part of the State, as far south as Monroe, St. Clair and Washington, are opposed to a call of a convention, but great and extraordinary efforts are already making to induce the people to vote for it.

Present my respectful compliments to Mrs. F. and family, and to your son and his lady, and be assured of my respect and esteem.

EDWARD COLES.

GOVERNOR COLES TO NICHOLAS BIDDLE

Dear Sir:—It has been a long time since I either wrote to you or heard from you. I made a visit last summer to my relations in Virginia, and intended to have extended my tour as far as Philadelphia, which I should certainly have done, for I am still more attached to Philadelphia than any other city in the Union, but for my trip having been delayed by a severe attack of bilious fever, and having been prolonged in Virginia beyond the time I expected, and the necessity I was under to be back here by the meeting of the Legislature, to enter on the duties of the office to which I had been recently elected. I assure you, when about to leave Wash-

ington (where I staid only four or five days) and to turn my face to the west, there was a great struggle between a sense of duty which dragged me here, and my inclinations and many strong attractions which drew me to your charming city. There has long existed in this State a strong party in favor of altering the constitution and making it a slave-holding State; while there is another party in favor of a convention to alter the constitution, but deny that Slavery is their object. These two parties have finally, by the most unprecedented and unwarrantable proceedings (an account of which you have no doubt seen in the newspapers), succeeded in passing a resolution requiring the sense of the people to be taken at the next general election (August, 1824), on the propriety of calling a convention for the purpose of altering the constitution. Knowing that this measure would be strenuously urged during the late session of the Legislature, and that many who professed to be hostile to the further introduction of Slavery, would advocate it, and believing that it would have a salutary effect to furnish them an opportunity of evincing the sincerity of their professions; and being also urged by a strong sense of the obligations imposed on me, by my principles and feelings, to take notice of the subject, I called the attention of the Legislature in a speech I delivered on being sworn into office (a printed copy of which I sent you by mail) to the existence of Slavery in the State, in violation of the great fundamental principles of the ordinance, and recommended that just and equitable provision be made for its abrogation. As I anticipated, this part of my speech created a considerable excitement with those who were openly or secretly in favor of making Illinois a slave-holding, rather than making it really as well as nominally, a free State—who wished to fill it rather than empty it of slaves. Never did I see or hear in America of party spirit going to such lengths, as well officially as privately, as it did here on this question. Indeed, it seems to me that Slavery is so poisonous as to produce a kind of delirium in those minds who are excited by it. This question, and the manner of carrying it, is exciting great interest throughout the State, and has already kindled an extraordinary degree of excitement and warmth of feeling, which will no doubt continue to increase until the question is decided. I assure you, I never before felt so deep an interest in any political question. It preys upon me to such a degree, that I shall not be happy or feel at ease until it is settled. It is impossible to foresee the injurious effects resulting to this State of

the unhappy consequences which may arise to the Union, from the success of the slave party in this State. Many of us who immigrated to this State under the solemn assurance that there should exist here "neither slavery nor involuntary servitude," will, if the slave faction succeeds, be compelled to sacrifice or abandon our property and seek new homes, we know not where, or remain in a community whose principles we shall disapprove of, and whose practice will be abhorrent to our feelings. And already we hear disputed the binding effect of the ordinance—the power of Congress to restrict a State, etc., etc., from which I fear, if the introduction of Slavery should be tolerated here, the discussions on the expediency and unconstitutionality of the measure will not in all probability be confined to the citizens of this State. But this is a part of the question too painful for me to dwell on. I trust the good sense and virtue of the citizens of Illinois will never sanction a measure so well calculated to disturb the harmony of the Union and so injurious to its own prosperity and happiness, as well as so directly opposite to the progress of those enlightened and liberal principles which do honor to the age. But to insure this it is necessary that the public mind should be enlightened on the moral and political effects of Slavery. You will confer a particular favor on me and promote the virtuous cause in which I am enlisted, by giving me information, or referring me to the sources from whence I can draw it, calculated to elucidate the general character and effects of Slavery—its moral, political and social effects—facts showing its effects on the price of lands, and general improvement and appearance of a country—of labor both as it respects agriculture and manufactures, etc., etc. The State of Pennsylvania having been long distinguished for its attachment to free principles, there is no doubt but what you can procure in Philadelphia many valuable pamphlets and publications which would throw light on this question. Any which you may have it in your power to procure and forward, will be most thankfully received, and the amount of the expense repaid as soon as it is known. Your old and truly sincere friend,

EDWARD COLES.

TO NICHOLAS BIDDLE, Esq.,
President of the Bank of the United States,
Philadelphia.

MR. BIDDLE TO GOVERNOR COLES

PHILADELPHIA, May 20, 1823.

Dear Sir: I have just received your friendly letter of the 22nd ult., to which I shall take the first moment of leisure to give a more detailed answer. In the meantime I can only say that I feel most sincerely the embarrassment of your situation, and hope that you may be able to triumph in the good cause. That no effort may be wanting, you shall have all the assistance which I can give or procure. My occupations necessarily absorb so much of my time that I can promise you little on my part, personally, but I have already engaged two of our most active gentlemen familiar with that subject, who will cheerfully and zealously contribute to your support. The first fruit of their labor is the pamphlet accompanying this letter. I have not had time to read it, as I am anxious to forward it without delay, but I understand that it is the latest and best work on the subject, and goes directly to the question of the superiority of free over slave labor. Mrs. B. and Mr. Craig are glad to hear of your prosperity, and desire to be particularly remembered to you.

With great sincerity of regard,
yrs.,

N. BIDDLE.

EDWARD COLES, Esq.,
Vandalia.

MR. BIDDLE TO GOVERNOR COLES

PHILADELPHIA, May 26, 1823.

My Dear Sir: My present occupations necessarily engross so much of my time that I can scarcely contribute more than my good wishes to the great cause which so naturally and deeply interests you. It gives me peculiar satisfaction, therefore, to procure for you the correspondence of my friend, Mr. Roberts Vaux, to whom this note is intended to serve as an introduction. Mr. Vaux is a gentleman of education, talents, fortune, leisure and high standing in the community. He feels sensibly all the embarrassments of your situation; he perceives the deep importance of defeating this first effort to extend to the north-western country the misfortunes of the slave population and he is disposed to co-operate warmly and zealously with you. I know of no individual more calculated to render you the most efficient service. He is worthy of all your

confidence, and I recommend to you to yield it to him implicitly, as I am sure it will be repaid by every kindness and every service in his power.

With great esteem and regard,
yrs.,

N. BIDDLE.

EDWARD COLES, Esq.,
Vandalia,
Illinois.

MR. BIDDLE TO GOVERNOR COLES

PHILADELPHIA, May 26, 1823.

My Dear Sir: I have put into the hands of my friend, Mr. Vaux, a note for you which he will accompany with a communication on the subject which now occupies you. Mr. Vaux will be hearty and zealous in the cause, and I really deem it a subject of congratulation to you, to procure the assistance of one who is more able and willing than any individual of my acquaintance to assist you. There is one thing which I wish to add. The Abolition Society of this city, has been the subject, whether justly or not I am unable to determine, of much hostility at a distance, and it would be rather injurious than beneficial to have it supposed that the society was active in the cause which you are supporting. You will therefore understand that neither the Abolition Society nor any other society has the least concern in this matter. The simple fact is that Mr. Vaux, and two or three of his friends, have been so much pleased with your past conduct in relation to Slavery, and have so deep a sense of their duty to resist the extension of that system, that they mean to volunteer in assisting you, without any connections with any set of men, and without any motives which the most honorable might not be proud to avow.

Very sincerely,
yrs.,

N. BIDDLE.

EDWARD COLES, Esq.,
Vandalia,
Illinois.

PHILADELPHIA, 5 Mo. 27, 1823.

TO EDWARD COLES, Esq.:

Esteemed Friend:—My friend, Nicholas Biddle, has kindly furnished me with a note of introduction to thy correspondence, which

is transmitted by the mail that conveys this letter. I have been induced thus to solicit access to thy notice, because thy conduct in relation to the emancipation of thy slaves could not fail to beget great respect for an individual whose noble, and generous example displayed so much practical wisdom, and Christian benevolence. Nor has it been less gratifying to be informed of thy official efforts to prevent the overthrow of those constitutional barriers, which were erected to protect the State of Illinois, from the moral, and political evils inseparable from domestic slavery.

It is really astonishing, that any part of the inhabitants of your State should wish to introduce a system which is generally reprobated where its effects have been longest known, and from the dominion of which, such of our fellow citizens of the South as are disposed to examine the subject with the gravity which it certainly merits, most anxiously desire to be redeemed.

Notwithstanding, however, the lessons which experience has taught in this respect, it is likely that Illinois will be agitated by the exertions of unreflecting men, and possibly without timely and energetic efforts to counteract their schemes, they may be enabled to persuade a majority of her people to violate their early vows on this subject, and pollute your soil with the blood and tears of slaves.

Feeling as I do, a deep sympathy for thyself, thus threatened with the most unhappy consequences, and desirous that miseries and mischiefs, the amount of which no mind can fully calculate, may be averted from the extensive and fair region of which Illinois forms a part, I would willingly contribute anything in my power, and with these views I offer my own, and the services of a few of my friends, in this interesting cause.

We have thought that benefit might result from making judicious selections from writers whose purpose is to show the iniquity, and impolicy of slavery—these selections to be printed in the *Tract form* (at our own expense) and forwarded to Illinois for gratuitous distribution. If this plan should meet thy approbation, I should be glad to receive an early intimation to that effect, but should thy official station, or duties, render it either improper or inconvenient for thee to take an active part in this business, perhaps it will be in thy power to select a few individuals who may be disposed to aid us, and in that event, I shall be obliged by thy introduction of such persons to my correspondence.

Accept the salutation of my respect,

ROBERTS VAUX.

EDWARDSVILLE, ILLINOIS, June 27, 1823.

Esteemed Friend:

Your kind and highly interesting letter of the 27th ult. was rec'd by the last mail, and has been perused with very great pleasure. The benevolent sentiments you express, and the correct views you take of the great question which is now unfortunately agitating this State, and the deep interest you evince for the prosperity and happiness of Illinois, and the preservation of the rights and liberty of its inhabitants, do credit alike to the native benevolence of your heart and to those divine and political principles which distinguish the real Christian and Republican, and cannot fail to present a contrast, which, however mortifying it may be to me as an Illinoisan, cannot but be highly gratifying to me as a man, to see one so far removed from the scene, and without any other interest except that which he feels in the general happiness of his species, nobly and generously volunteering his services to assist in promoting the cause of humanity, whilst there are thousands here strenuously advocating the giving a legal sanction to the oppression and abject slavery of their fellow-creatures. Such noble, generous, and fervid benevolence as yours, is highly honorable even to a *Friend*; and is a new and striking proof of that extended philanthropy, and pure and heaven-born spirit of Brotherly love, by which that denomination of Christians have ever been distinguished, and cannot fail to excite the admiration and win the confidence and attachment of all—especially of those like myself, who daily experience pain and mortification in hearing doctrines advanced which are directly in opposition to the great fundamental truths of our religious and political creeds.

In behalf of the friends of freedom in this State, I give you sincere and grateful thanks for the offer of your services to assist us to enlighten the minds of our fellow citizens, by publishing judicious selections and observations on the iniquity and impolicy of Slavery, in *tract form*, and distributing them gratuitously through the State. It may be proper, however, to remark that distant friends should be cautious in the manner of making their benevolent exertions, as there is danger that designing partisans here may not only paralyze the effort, but turn it against the cause it was intended to promote, by representing it to be the interference of other States for the purpose of influencing the opinion of the people of this. An ingenious pen could dress up this subject in a

manner to give it great effect in this country. Would it not, therefore, be best not to state on the face of the publications where they were printed? They could be printed in Philadelphia, and sent with the goods of some merchant of St. Louis at a much less expense than by mail.

Not being aware of any consideration which should restrain me, but on the contrary believing that my present office increases the obligations I am under, as a good citizen, to exert myself to enlighten the minds of my fellow citizens, and strenuously to oppose every measure which I am convinced is unjust in principle or injurious in its effects, and believing Slavery to be both iniquitous and impolitic, I conceive myself bound, both as a citizen and as an officer, to do all in my power to prevent its introduction into this State. I will therefore cheerfully render you assistance in distributing any publications you may forward, or give you any information you may desire.

The friends of freedom here propose making publication similar to those you suggest, but they will not have the same means of doing justice to the subject that you will have in Philadelphia. We are particularly anxious, not only to present to the people proper views of the immoral and anti-christian, unjust and anti-republican character of Slavery, but also *facts* showing its impolicy and injurious effects in retarding the settlement and prosperity of the State, by checking emigration to it, and paralyzing the enterprise and activity of its citizens—that it would impede the progress of manufactures, be prejudicial to agriculture, and in one word, to the future prosperity, as well as to the immediate interest of the State. The great argument here in favor of the introduction and toleration of Slavery, is that it would have the immediate effect of raising the price of lands, and adding to the population and wealth of the country. We want *facts* to disprove these assertions, and also to show that Slavery would operate to the injury of the poor or laboring classes of society. Strange as it may appear, it is nevertheless true, that there are many persons who are in principle opposed to Slavery who will yet vote for making this a slaveholding State, under the belief that by so doing they will be enabled to make an immediate and advantageous sale of their lands, and thus gratify that restless and rambling disposition which is so common with frontier settlers.

Pardon this long and hasty letter. Give my regards to our

mutual friend Biddle, and be assured that your generous benevolence has inspired me with great respect and sincere regard for you.

EDWARD COLES.

ROBERTS VAUX,
Philadelphia.

ROBERTS VAUX TO GOVERNOR COLES

BIRWOOD LODGE (NEAR PHIL'A), 7 Mo. 24, 1823.

Esteemed Friend.—I cannot delay an immediate acknowledgment of thy letter of the 27th ultimo, which reached me at my summer residence to-day.

It affords me unfeigned satisfaction to learn from it that thee approves the plan which I submitted for thy consideration. Anticipating a favorable notice of the suggestion, by a mind so devoted as thine to the promotion of the great ends of humanity, of justice, and of National honor, three pamphlets were prepared, which will be immediately printed, and transmitted to thy address at St. Louis. One of these tracts is designed to show the impolicy and unprofitableness of Slave Labor, etc., and some arguments are drawn from the published opinions of several distinguished citizens of the *slave-holding States*; among which Col. Taylor's are not the least authoritative and cogent. Another essay exhibits a succinct account of the cruelties of the Slave Trade, derived from authentic sources; and a third pamphlet is intended to show that the interminable bondage of any portion of the human race is, on the part of the oppressors, a flagrant violation of natural and Divine Justice, and utterly inconsistent with the doctrines of our Holy Redeemer.

Aware of the unpopularity of Philadelphia, and especially of *Quaker* sentiments on this particular topic, with all those who attempt to justify slavery, it was originally determined to avoid giving any complexion whatever to these publications which might induce the belief that they proceeded from this State, or that individuals of the Society of Friends had any agency in the preparation of them. The coincidence of our judgment in regard to the manner of treating the subject is worthy of remark.

If the least benefit results from this humble effort, it will administer to my happiness, which will be augmented by the reflection, that it owes its origin to thy own emphatic summons for aid, in a cause which demands the exercise of every generous and patriotic feeling.

That indulgent Heaven may crown thy labors with success, is the sincere desire of thy friend.

With great truth and respect,

ROBERTS VAUX.

TO EDWARD COLES, ESQUIRE,
Governor of Illinois,
Edwardsville, Illinois.

P. S.—On my next visit to the city, I intend to communicate thy message to our friend Nicholas Biddle.

R. V.

GOVERNOR COLES TO MR. BIDDLE

EDWARDSVILLE, Sept. 18, 1823.

Dear Sir:—I have been long anxious to return you my thanks for your kind letter of May 20th and 26th, and also for the acceptable service you rendered me in making me known to Mr. Vaux, from whom I have had the pleasure of receiving two letters, and a promise of his assistance in preventing our soil from being polluted with the foul and disgraceful stain of slavery. The disinterested and praiseworthy zeal he evinces is as honorable to him, as it is gratifying to me, and is well calculated not only to give me an exalted opinion of his character, but to awaken the most lively feelings of regard and friendship for him. I wish, when you see him, you would tender him my kind regards and thanks for his letter of July 24, and say to him, I hope soon to receive the packages promised. The propriety of calling a convention, or more properly speaking, of making this a slave-holding State, is still discussed with considerable warmth, and continues to engage the undivided attention of the people, being the constant theme of conversation in every circle, and every newspaper teems with no other subject. Unfortunately for the friends of freedom, four out of five of the newspapers printed in this State are opposed to them; and the only press whose editor is in favor of freedom, although a pretty smart editor, has rendered himself unpopular with many by his foolish and passionate attacks upon many of the prominent men on his side of the question. If, however, the advocates of Slavery have the advantage of us in printing presses, we have greatly the advantage of them in possessing men of the most talents, and most able to wield the pen and use the press, with effect; and as three out of four of their presses have professed

a willingness to admit well-written original essays on both sides of the question, we shall have not only the best of the argument, but be able, I trust, to present it in the best dress to the public. I am happy in telling you that the advocates of a convention have been losing ground ever since the adjournment of the Legislature; and there is no doubt with me if the question were now to be decided, that a majority of the people would be opposed to it. But what will be the state of the parties next August is another question. Many of the people in this State are very fickle and credulous, and much can be done by designing and unprincipled partisans, and that everything which can possibly be done will be done, we cannot but infer from the extraordinary and unwarrantable measures resorted to last winter in the Legislature in getting up the question, and the great anxiety evinced, and exertions which have been made and are still making to prevail on the people to sanction it. But as the friends of freedom are aware of this, they will watch the movements of their opponents, and be on the alert to counteract their intrigues and machinations. The object for which a convention is wanted is so justly odious, and the conduct of the friends of the measure so disgraceful, that I cannot bring myself to believe they will succeed. But I regret to state that the advocates of Slavery in this State are gaining strength, from the indiscretion of the advocates of freedom out of the State. Certain leading newspapers in the Atlantic cities have taken a stand, and held language which is used here in a way calculated to do much mischief. Whether we have the constitutional right to make this a slave-holding State, or not, or whether the opponents of the extension of Slavery, here or elsewhere, may think proper hereafter to call for the interposition of the Federal Gov't to restrain the people of this State, it is certainly bad policy at this time very strongly to urge it, and especially in what may be considered dictatorial language; as it is of all other questions the best calculated to arouse the feelings of State pride, and State rights, and that natural love of unrestrained liberty and independence which is common to our countrymen, and especially to our frontier settlers, who of all men in the world have the strongest jealousy of authority and aversion to restraint.

I wish, my friend, you would use your influence to prevail on the newspaper writers to let this question alone for the present. If they are sincere in their opposition to the further extension of Slavery, they will not prematurely urge it, when they are assured that by so doing they can do no good, but much harm.

I shall go to St. Louis in a day or two, when I hope to have the pleasure of seeing and congratulating your brother on his late marriage, and becoming acquainted with his lady. This has been the most cool and agreeable, and by far the most healthful summer I have ever seen in this country. The spring was too wet and we were apprehensive of an unfavorable season both for health and vegetation, but we have been most agreeably disappointed. My health was never better. I beg you to present my kind regards to Mrs. B., and to Mr. Craig, and to be assured of my sincere regard.

EDWARD COLES.

NICHOLAS BIDDLE, ESQ.,

President of the Bank of the U. S.—Philadelphia.

P. S.—Could you or Mr. Vaux furnish me with an assessment of lands in the different counties of Pennsylvania? I want to show that lands are higher in price in free than slave States.

GOVERNOR COLES TO ROBERTS VAUX

VANDALIA, ILLINOIS, December 11, 1823.

Esteemed Friend:—I received some time since your letter of the 11th of Oct., and by the last mail yours of the 4th ulto. An unusual press of public business prevented my sooner acknowledging the former, and will now prevent my making as long an answer to the two as I desire. For the last four weeks there has been a great crowd of persons here, attending the Circuit and Supreme Court of the State, and the U. S. and District Court and the sale at auction for taxes of about 7,000 tracts of land, belonging to non-resident proprietors. This has necessarily given me much to do; but it has at the same time afforded me an excellent opportunity of collecting the sense of the people on the great question which is now agitating the State. And I am happy in assuring you, from the best information I have been able to collect from all parts of the State, I am more confirmed in my belief that a majority of the people will be opposed to calling a convention for the purpose of altering the Constitution so as to make this a slave-holding State. But the extraordinary efforts that have been made here during the last three or four weeks by the friends of Slavery, in organizing their party, and enabling its leaders to act with the most concert and effect, convince the friends of freedom that their opponents are yet in the field, and that they should be on the alert, for fear by some *ruse de guerre*, at which their opponents are known from

sad experience to be great adepts, the advocates of oppression should triumph. Nearly all the leading friends of a convention have been assembled here, and held caucuses for the purpose of deliberating upon the best means of promoting the success of their favorite measure; have adopted sundry resolutions, and made many arrangements; among others have appointed committees for each county in the State, and requested that the county committees appoint a committee in each township, for the purpose of corresponding with each other, and of influencing by every possible means the public opinion.

With respect to your inquiry whether there is not some more expeditious and safe mode of sending out the pamphlets than through a commercial house at St. Louis, I can think of no other, except to forward them, as pamphlets, by mail to me to this place, which is at this season of the year slow and precarious.

The pamphlet you forwarded me by mail, along with your last letter, I received safe; but have been so busy as not yet to have had time to read it. Two thousand of each kind, will, I presume, be enough, and as many as I shall be able conveniently to distribute. There will be for the next six months, so few persons visiting this place, that I shall be compelled to rely chiefly on the mails, as the means of distributing pamphlets, or other information to the public. If possible, I intend to have all the pamphlets published in one or more of our weekly newspapers.

Accompanying this I send you a pamphlet, which has been lately published by my old friend Birkbeck, which is by far the best publication which has been yet given to the public. After you have perused it, you will confer a favor on me to loan it for the perusal of our mutual friend Biddle, to whom I beg you to present my kind regards.

With great respect and sincere regards, your friend,

EDWARD COLES.

TO ROBERTS VAUX,
Philadelphia.

We have had the misfortune (two days since) to lose our State House by fire. This accident will operate in favor of a convention. Many profess to be opposed to slavery but in favor of a convention to remove the seat of Government. There is now of course less inducement for keeping it here. I still, however, hope and believe we shall have no convention.

MORRIS BIRKBECK TO GOVERNOR COLES

WANBOROUGH, Dec. 6, 1823.

Dear Sir: * * * * *

I take the liberty by this mail to send you half a dozen; and if, on reading a copy, you should think it may be useful to any of the unconverted Conventionists, you may put it in their way. I am glad you think favorably of the course the question is taking. I believe the advocates of a Convention are not so numerous as they have been on this side of the State. The leaders do not seem to be so sanguine. This may, however, be a *ruse de guerre* preparatory to a grand push in the spring. I am rejoiced that you have escaped from sickness this summer. My family has enjoyed excellent health, and the neighborhood—as heretofore. We should be glad to see you amongst us; and a friendly visit from you would give me peculiar pleasure. I have not seen Mr. Pell since the morning, when I received your letter. I shall deliver your message to him, and I beg you to believe me your sincere friend,

M. BIRKBECK.

To GOVERNOR COLES,
Vandalia.

GOVERNOR COLES TO MORRIS BIRKBECK

VANDALIA, January 29, 1824.

My Dear Sir:—I had the pleasure to receive, in due course of mail, your letter of the 6th ulto., together with six of your pamphlets, which you were so good as to send me, for which I return you my thanks. I had previously seen republished in a newspaper your pamphlet, and had read it with great pleasure. I could not but wish every Conventionist in the State had it and was compelled to read it with attention. Our society at Edwardsville intends having another and large edition of it reprinted for the purpose of having it extensively circulated. I took the liberty to send one or two of your pamphlets to some distant and particular friends, who take a deep interest in the Slave question in this State. By the by, should not the review of your pamphlet, which appeared first in the Illinois Gazette, and since republished in all the Convention papers of the State, be noticed? It is very ingeniously written, but what more particularly requires correction is the fabrications and misrepresentations of facts. One or two of these

were hastily noticed and sent to be inserted last week in the paper published here; but no paper has since issued from the press.

During the setting of the Courts, and the sale of the lands of non-residents for taxes, we had a considerable number of persons assembled here from almost every part of the State; and a pretty good opportunity was afforded of collecting the public sentiment in relation to the great question which is now convulsing the State. The friends of a Convention pretended to be pleased; but it was very apparent they were not; and the more honest and liberal among them acknowledged that they thought their prospects bad. Our friends on the other hand were much pleased, and rendered much more sanguine of success from the information they received. The friends of Slavery, however, were caucusing nearly every night, and made many arrangements for their electioneering campaign. Among others, it is said, they have appointed five persons in each county, with a request that these five appoint three in each election precinct, for the purpose of diffusing their doctrines, embodying their forces, and acting with the greatest concert and effort. This is well calculated to bring their strength to bear in the best possible manner, and should, as far as possible, be counteracted. When bad men conspire, good men should be watchful.

The friends of a Convention appear to become more and more bitter and virulent in their enmity to me, and seem determined not only to injure my standing with the people, but to break down my pecuniary resources. A suit has been lately instituted at Edwardsville against me for the recovery of the sum of \$200 for *each* negro emancipated by me and brought into this State. The suit has been brought under a law passed on the 30th of March, 1819, but which was not printed or promulgated until the October following. In the meantime, that is about the first week of May, my negroes emigrated to and settled in this State. What is truly farcical in this suit is, that a poor worthless fellow, who has no property, and of course pays no tax, has been selected to institute it, from the fear he has of being taxed to support the negroes I emancipated, when they, who are all young and healthy, are so prosperous as to possess comfortable livings, and some of them pay as much as four dollars a year tax on their property. I should indeed, my friend, be unfortunate were I now compelled to pay \$200 for each of my negroes, big and little, dead and living (for the suit goes to this) after the sacrifices I have made, and my efforts to befriend and enable them to live comfortably. For I not only emancipated

all my negroes, which amounted to one-third of all the property my father bequeathed me, but I removed them out here at an expense of between five and six hundred dollars, and then gave each head of a family, and all others who had passed the age of 24, one hundred and sixty acres of land each, and exerted myself to prevail on them to be honest, industrious and correct in their conduct. This they have done in a remarkable degree, so much so, with all the prejudice against free negroes, there never has been the least ground for charge or censure against any one of them. And now, for the first time in my life, to be sued for what I thought was generous and praiseworthy conduct, creates strange feelings, which, however, cease to give me personal mortification, when I reflect on the character and motives of those who have instituted it.

Just about the time this suit was instituted, I had the misfortune to lose by fire two-thirds of all the buildings and enclosures on my farm, together with about 200 apple trees and as many peach trees—several of each kind large enough to bear fruit. And soon after, the "State House" having been consumed by fire, a project was set on foot to rebuild it by subscription. Not liking the plan and arrangements, I declined subscribing, and proposed others, which I thought would be more for the interest of the State, of the county, and of the town—and which by the way are now generally admitted would have been best. This however was immediately laid hold of by some of the factious Conventionists who being aware that the loss of the State House would operate to the injury of their favorite measure in *this county*, and being anxious to display great solicitude for the interest of the people here, and that too, as much as possible at the expense of the anti-Conventionists, they busied themselves in misrepresenting to the multitude my reasons and motives for not subscribing my name to their paper, and with the aid of large potions of whiskey, contrived to get up a real *vandal* mob, who vented their spleen against me, in the most noisy and riotous manner, nearly all night, for my opposition to a convention and for my refusal as they termed it, to rebuild the State House. All this and other instances of defamation and persecution, create in my bosom opposite feelings; one of pain, the other of pleasure. Pain to see my fellow man so ill-natured and vindictive merely because I am the friend of my species, and am opposed to one portion oppressing another—pleasure that I should be in a situation which enables me to render services to the just and good cause in which we are engaged; and so far

from repining at these indignities and persecutions, I am thankful to Providence for placing me in the van of this eventful contest, and giving me a temper, zeal, and resolution which I trust will enable me to bear with fortitude the peltings which are inseparable from it. In conclusion, I pray you to do me the justice to believe, that no dread of personal consequences will ever abate my efforts to promote the good of the public, much less to abandon the great fundamental principles of civil and personal liberty—and to be assured of my sincere friendship.

EDWARD COLES.

MORRIS BIRKBECK, Esq.,
Wanborough, Edwards County.

MR. BIRKBECK TO GOVERNOR COLES

WANBOROUGH, Feb. 19, 1824.

My Dear Sir:—I have just received your letter of January 29, and I assure you the receiving of it has given me unfeigned pleasure, although its contents, as far as the unworthy conduct of the party is productive of vexation to you, I as sincerely lament. I am sorry that it should be at your expense; but as it tends to expose the badness of the cause and the iniquity of its supporters, the friends of liberty and virtue can hardly regret that they should have thus displayed their true characters.

For myself, my private situation screens me in great measure from persecution, though I presume, not from the honor of their hatred. I am glad, you approve my little pamphlet; if I could afford it I would spare the society at Edwardsville the expense of republishing, &c. I have the satisfaction of knowing that it has done some good, by changing the sentiments of several, who through want of reflection or knowledge, had been advocates of Slavery. And as there are many up and down in all parts of the State, who are in that situation, I trust its general circulation will be useful. I am continually plying the Slave party, through the Illinois Gazette, with popular discussions and sometimes with legal arguments, under the signature of Jonathan Freeman, and some others. You will see, if you read that paper, an ironical proposal of a plan for raising a fund to colonize the negroes as an appendage to limited Slavery, signed J., which I think may show the absurdity of that argument. The Edwardsville Spectator published about a dozen of those short letters, and I suppose that you will see a few

more of them shortly. As they present the question in various lights, pointing out the wickedness and folly of the slave scheme, dissected as it were into distinct portions, I imagine they make an impression on some readers more effectually than a continued course of argument. I submit, with great deference, a thought that some of these would be useful if published by way of appendix to the *Appeal*. Perhaps you will revert to them, and notice a few more which you will soon see; then do as you see good.

As *publication* is essential to the binding power of a law, in fact to its existence *as law*, you will of course defeat your persecutors, and put them to shame, on the principle of *ex post facto*. You could not infringe in May a law promulgated in October following.

The fire at Vandalia is rather against the Conventionists in that quarter. The idea of re-building the State House by subscription, you, as governor, could hardly countenance. What authority have individuals to act in this case, even at their own expense? And what claim have they on your private purse? I am only sorry for your personal vexation under these attacks. They discover the weakness and folly of the party, and I am in hopes they are losing ground. They have great zeal and activity and no delicacy about the means; there is considerable zeal and activity on our side; and setting the good principles of our cause against their total want of principle, I trust we are a match for them, provided we do not relax in our efforts. The attack on my pamphlet by Americanus (who is Mr. Webb of Bonpas), seems to the Illinois Gazette a short reply to the personalities; further I thought needless, and have just written another to the same effect, which I shall send to the Vandalia paper. Not being presumed to know the author, some severity of retort seems allowable.

You have a circle at Vandalia chiefly, I fear, of the wrong sort in regard to the vital question, which circumstance must detract from your social enjoyment, where at best it could ill be spared. The cause in which you are engaged so heartily is so thoroughly good that it will bear you up through many sacrifices and privations. Your sentiments on the subject rejoice and encourage me, and in return (pedantry as it may seem) I shall give you a sentiment from Horace for *your* encouragement.⁴

⁴ The last paragraph of Mr. Birkbeck's letter cannot but excite admiration. The quotation from Horace applied with great force to the case of Governor Coles:

Justum et tenacem propositi virum,
Non civium ardor prava jubentium,
Non vultus instantis tyranni,
Mente quatit solida.

I remain, with great esteem, yours,

M. BIRKBECK.

MORRIS BIRKBECK, Esq.,
Wanborough.

I had hoped after the great and decided majority which was given at the late election against a Convention, my political enemies would have ceased to persecute me. But in this I was mistaken. It would seem I must be sacrificed. Nothing short of my entire ruin will satisfy my enemies, and they seem determined to effect it without regard to the means. Yesterday the suit which has been instituted against me for freeing my negroes was called up for trial. Judge Reynolds not only decided several points of law against me, in opposition to the opinion of several of the best lawyers in the State, but he and Mr. Turney rejected *all* my testimony as illegal, and would not permit a solitary word to be uttered by a witness of mine. Under such circumstances the jury found a verdict of \$2,000 against me, which, with the cost, will be a difficult sum for me to raise, these hard times. I shall ask for a new trial. If this application should share the fate of all others I have made, it is to be hoped he will not assume the power to prevent my taking an appeal to the Supreme Court.

In haste, your friend,

ED. COLES.

GOVERNOR COLES TO ROBERTS VAUX

VANDALIA, Jan'y 21, 1824.

My Friend:—While at Edwardsville a few days since, I received a letter from D. B. Smith, notifying me that he had forwarded to the care of I. I. Smith & Co., of St. Louis, certain pamphlets; previous to which, however, I had been informed by one of that company that he expected them, and had requested him to notify me so soon as they should be received, and to forward them to me to

“Neither the ardor of citizens ordering base things, nor the face of the threatening tyrant shakes a man just and tenacious of principle from his firm intentions.”

this place by the first safe opportunity. I also had the pleasure to receive at Edwardsville the pamphlet you were so good as to enclose me by mail. The information contained in this pamphlet in relation to the foreign slave trade, is highly interesting. I must, however, be allowed to express my regret that it does not bear more directly on the question, which is now agitating us here, by showing the resemblance between the *foreign* and *domestic* slave trade, and the inevitable effect of the extension of Slavery into new regions, to continue and increase this odious traffic. To add to the circulation of this, as well as the pamphlet I had previously the pleasure to receive from you, I shall, if possible, prevail on some of the editors to publish them in their newspapers. But unfortunately for our cause, of the five newspapers printed in this State, four are the avowed advocates of Slavery (in other words for a Convention) and but one of Freedom, and that one not friendly to me and other opponents of the Convention. This division among us arises from factions, personal and local feelings, and from the circumstance that we have many avowed friends of freedom, who are themselves the masters of slaves; and who, while they unite with us in opposing the means of the further introduction of Slavery, are at the same time violently opposed to our efforts to abolish the remnant of Slavery which is still allowed to stain our soil. There is also another class among us who profess to be opposed to Slavery and who rail much against it, but yet who are friendly to it, as is fully evinced by their advocating every measure calculated to introduce and tolerate it here. The character and feelings of these several classes of our citizens were strongly exemplified last winter, when, on entering into office, I called the attention of the Legislature to the existence of Slavery among us, and urged its abolition. As it may be the means of throwing some light on the slave question in this State, I will send you, accompanying this letter, a printed copy of my speech, and a report made by a committee of the Legislature on a part of it.

My remarks and recommendation on the subject of Slavery produced a great excitement among those who held slaves, or were desirous of holding them, particularly among those advocates of a Convention who were professedly the opponents of Slavery, but secretly its friends, and who hoped under the fair mask of freedom, to deceive the people and to smuggle in the monster Slavery. Bringing forward the measure of abolition at the same time they

brought forward the Convention question, placed these professed friends to the rights of man in an awkward situation, for it was apparent if they voted agreeable to their declarations, they, together with the real and genuine friends of freedom, would constitute a majority of the Legislature, and of course pass the abolition Bill. This state of things had the effect of unmasking their true opinions and views, and of clearly exhibiting to the public the real object for which a convention was to be called—that of making this a Slave-holding State. . . .

Having had the good fortune, through every period of my life, to live in great harmony with my fellow man, the enmity and persecution I have lately had to encounter, have created a new state of feeling, and caused me to look into my own conduct to see whether it has been correct. In this review I have been gratified to find I have not given just cause of offense to any one; but I have been grieved to perceive with what virulence I have been pelted, when the only complaint against me is, that I am a friend to the equal rights of man, and am considered a barrier to my opponents acquiring the power of oppressing their fellow man. Under this view of my situation, I am gratified that Providence has placed me in the van of this great contest; and I am truly thankful that my system is so organized as to leave no room for doubt fear or hesitation. My opinions have long since been maturely formed, and my course deliberately taken, and is not now to be changed by detraction, prosecutions, or threats of "*Convention or death.*"

I beg you excuse my troubling you with the perusal of so long a letter, and that you will pardon me for having said so much of myself, in consideration of its connection with the great question now agitating this State, by interesting yourself in which you have displayed so signal and praiseworthy an instance of your benevolence—for which I pray you to accept the grateful thanks of your friend,

EDWARD COLES.

50. . . .
Answering this ~~January~~ 21, 1824, Mr. Vaux said:

The part which thee has been called to act, privately as well as publicly and officially, in regard to the rights of mankind, and for the upholding of the principles of justice and mercy toward a degraded and oppressed portion of our fellow beings, ought to be

regarded as a manifestation of Providential power, concerning which we must always believe the same Divine interposition will be extended in every exigency. I am altogether satisfied that it is reserved for thee to witness the triumph of truth and beneficence in the struggle to which thee has been exposed; and, what is of infinitely greater value, as it respects thyself, to reap a plentiful harvest in the most precious of all rewards, the approbation of Heaven!

I feel a deep interest in thy character, and a lively gratitude for thy service, and it will always be among the purest consolations of my mind to be assured of thy welfare and happiness.

ROBERTS VAUX TO GOVERNOR COLES

Esteemed Friend:—My delay in the acknowledgment of the receipt of thy truly interesting letter of Jan'y 21, last, will not, I trust, be attributed to any want of respect and kindness, but to the real causes, which were, first, an unusual press of business relative to several public institutions, which at the season of the receipt of that communication demanded my attention; and secondly, to the expectation subsequently entertained here, that thy presence might be expected at Washington as successor in the Senate of the United States to N. Edwards, appointed on a foreign mission. The likelihood that the latter event might bring us to a *personal* acquaintance in this city, when the session of Congress should terminate, was contemplated with pleasure, since a direct interchange of opinion would be preferred to epistolary correspondence. Time, however, has served to show that this prospect, with many others upon which we dwell with satisfaction, failed of realization, and I therefore avail myself of the only means which are left to renew the assurance of my remembrance, of my undissembled regard, and of my sincere sympathy. The part which thee has been called to act privately as well as publicly, and officially, in regard to the rights of mankind, and for the upholding of the principles of justice, and mercy toward a degraded and oppressed portion of our fellow beings, ought to be regarded as a manifestation of Providential power, concerning which we must always believe the same Divine interposition will be extended in every exigency. I am altogether satisfied that it is reserved for thee to witness the triumph of truth and beneficence in the struggle to which thee has been exposed;

and, what is of infinitely greater value, as it respects thyself, to reap a plenteous harvest in the most precious of all rewards, the approbation of Heaven!

I feel a deep interest in thy character, and a lively gratitude for thy services, and it will always be among the purest consolations of my mind to be assured of thy welfare and happiness; with these impressions I salute thee, and remain faithfully,

Thy Friend,

ROBERTS VAUX.

To EDWARD COLES,
Governor of Illinois.

P. S.—I yesterday passed half and hour with our friend, N. Biddle; he is well, but very much occupied with official duties at the bank.

ROBERTS VAUX TO GOVERNOR COLES

Dear Friend: The last intelligence from Philadelphia is, that the great question which has so long agitated your State, and which had a bearing so important upon the common interests of humanity, and justice, has been determined. Happy for your commonwealth! Creditable for our country! Slavery will not be permitted to overrun Illinois! The result of the conflict is truly joyous; you have said to the moral plague, "*Thus far, but no farther, shalt thou come.*"

My warmest congratulations are tendered on this great event, though I know how inferior all exterior circumstances must be in comparison with the heart-solacing reward which is reaped by thy devotedness in this noble cause.

Since I have been at my summer residence, I have received several numbers of an Illinois newspaper, and a pamphlet from the same quarter, all which contained highly interesting matter relative to the question then undecided in your State; I presume I am indebted to thy kindness for those documents, for which I feel greatly obliged. The letter of Thos. Jefferson addressed to thyself, is very interesting, and I have it in contemplation to cause it to be printed in a tract form, for general distribution, provided such use of it, may be altogether agreeable to thee.

I have indulged myself with a hope that it may be within the range of probability, that thee will make a visit to Philadelphia ere long. Not anything would give me more pleasure than thy presence

in our city, and that gratification would be increased by thy making my house thy home. I have much more to communicate than I have leisure now to put on paper, as we are today preparing to return, on the morrow, to our house in town.

With sincere regard I remain thy friend,

ROBERTS VAUX.

GOVERNOR COLES TO ROBERTS VAUX

My Dear Sir:—When I had the happiness to enjoy your society last summer in Philadelphia, you were so kind as to express a wish to hear from me on my return to this State. I should long since have fulfilled the promise then made you to comply with this request which I felt was as flattering to me, as it was kind in you; but for a mass of business which had accumulated during my absence, the preparation for the meeting, and the labor and interruption attendant on the session of the Legislature, which adjourned a few days since; and the novel and extraordinary efforts made by some of my old political opponents to supplant me in the office of Governor, by thrusting in my place the Lieutenant-Governor a zealous and thorough-going advocate of Slavery. I had heard nothing of this intention (for although many letters were written to me, it so happened not one ever came to hand, or has since been heard of) until I reached Louisville on my way home, when I was told by a friend that he had been informed by a distinguished opponent of mine that it had been determined that I should not be permitted to resume the office of Governor. On my arriving in the State, I found that there had been several caucuses held in different places, by what are called the knowing ones, for the purpose of devising the best mode of proceeding, and of organizing their forces to act against me. All the Executive officers of the State recognizing me as Governor, I found no difficulty in entering at once on the duties of the office. The Lieutenant-Governor, however, still remained at the seat of Gov't, contending that I had vacated the office by my absence from the State, and that he was, under the constitution, the acting Governor. On the meeting of the Supreme Court, he applied for a mandamus against the Secretary of State. The court refused the mandamus on an incidental point, and got rid of the main question without deciding it. Soon after this the General Assembly met, and efforts were made to induce it to recognize the

Lieutenant as the acting Governor; but these efforts having failed, he made a communication to both Houses, setting forth his claims to the office of Governor, and asking to be heard by himself or counsel in support of them. Nothing was done with this communication, there being only *one* member in *each* House openly in favor of the Lieutenant-Governor's pretensions. There would doubtless have been more if there had been any prospect of ousting me. I attribute the unexpected unanimity to the circumstance of the question having been stirred in time to afford the people an opportunity of making known their opinions and feelings to their Representatives previous to their leaving home to take their seats in the Legislature. The current of public opinion on this question was too strong in my favor to be resisted by any but a most desperate antagonist. This effort of my opponents has recoiled very much to my advantage, in weakening their popularity, and adding to the strength of mine.

You will recollect my having shown you last summer some strictures, which I had been induced to publish on the judge's opinion in the malicious suit which had been instituted against me for freeing my negroes, in consequence of several extraordinary errors of fact, as well as of law, which it contained, and the unusual pains taken by the judge to publish and circulate these errors to my injury. Two actions have been instituted against me for this publication—one by the court—the other in the name of the judge as an individual, in which he has laid his damages at \$5,000. The former is to be tried at Edwardsville next month—the latter at this place in April. The original suit, or mother of the judge's twin-suits, is still pending in our Supreme Court, and is expected will be decided at the June term. I trust I shall get rid of all of these suits in the course of the spring and summer. I feel the more anxious to do so as they are the first suits, that ever were instituted against me.

I have not heard anything of the pamphlets which you were so good as to promise to send me. I shall go to St. Louis in about a month, when I hope to receive them. I see noticed in the public prints a new pamphlet, published by G. and C. Carville, at New York, on the emancipation and removal of the slaves of the U. S. If you could conveniently lay your hands on this pamphlet, you would confer a favor on me by sending it to me by mail. May I ask the favor of you to hand to Mr. Fry the enclosed five dollar

note, and request him to forward the National Gazette to William Wilson (Chief Justice of the State), Carmi, White county, Illinois.

I beg you to present my kind regards to Mrs. Vaux, and to accept my grateful acknowledgments for your very kind and truly friendly attentions to me while in Philadelphia; and permit me again to renew to you the assurance of my obligations to you for the services rendered to humanity and to Illinois during the late vile effort to prostitute their rights and character and to repeat that the virtuous and benevolent interest you evinced on that occasion will ever endear you to

EDWARD COLES.

GOVERNOR COLES TO A. COWLES

Dear Sir:—Believing that I should have been able to prove that I had not libeled Judge McRoberts, and explain how the Grand Jury had been induced to present me for so doing, it was with great regret that I heard you had thought proper to dismiss the prosecution. Fearing that some malicious person may misrepresent this transaction at some future day, when those who now understand it may have forgotten many of the details in relation to it, or perhaps be dead, or have removed from the country, I have determined to ask the favor of you to give me a written answer to the following questions:

Did you summon or request Judge McRoberts to appear before the Grand Jury, which presented me for libeling him?

Did not Judge McRoberts request to see the indictment before it was delivered to the Grand Jury, and did he not examine and alter it, and if so what were the alterations made by him?

Did you ask Mr. Blackwell to aid you in the prosecution of me, and do you know whether he was employed by Judge McRoberts to do so?

As you have expressed the opinion verbally to several persons, that I had not libeled Judge McRoberts, I ask the favor of you to give me your opinion in writing, whether the matter contained in the indictment was a libel?

With great respect, I am &c., &c.,

EDWARD COLES.

A. COWLES, Esq.,
Circuit Attorney,
Edwardsville.

P. S.—Why was not Judge McRoberts returned as a witness, on the back of the indictment?

EXTRACT FROM A LETTER FROM GOVERNOR COLES TO JOHN
RUTHERFORD

I give you many thanks, my dear Sir, for your long and truly affectionate letter of February, and assure you, I feel great contrition for having so long delayed the expression of them, and of saying how much gratified I was at perusing your kind letter, and the glad tidings it gave me of the health and happiness of our dear Emily and her little ones; and also the pleasure I have since derived at finding from the newspapers in what a flattering manner your fellow citizens have elected you to represent them in the Legislature.

I am greatly gratified at your election, not only from the regard I have for you as a man, &c., and the consequent interest I take in, and the pleasure I derive from your success; but I am particularly so in seeing men of your principles in relation to negro Slavery in the Councils of Virginia, as it cheers me with the hope that something will soon be done to repudiate the unnatural connection which has there so long existed between the freest of the free and the most slavish of slaves.

Even if it were feasible, from the extraordinary apathy in the great mass of the people, and the zeal displayed by many to perpetuate the evil, I could not hope for speedy emancipation, but I do trust for the honor as well as interest of the State that ameliorating laws will be speedily passed, which will gradually have the effect of reconciling and habituating the masters, and preparing the slaves for a change which, as Mr. Jefferson says, must sooner or later take place with or without the consent of the masters. It behooves Virginia to move in this great question; and it is a solemn duty which her politicians owe to their country, to themselves, and to their posterity, to look ahead and make provision for the future, and secure the peace, prosperity and glory of their country.

The policy of Virginia for some years past has been most unfortunate. So far from acting as if Slavery were an evil which ought to be gotten rid of, every measure which could be taken has been taken to perpetuate it, as if it were a blessing. Her political pilots have acted like the inexperienced navigator, who, to get rid

of the slight inconvenience of the safety-valves have hermetically sealed them, not foreseeing that the inevitable consequence will be the bursting of the boiler, and dreadful havoc among all on board. No law has been passed under the *commonwealth* to ameliorate the black code of the *colony* of Virginia; on the contrary, new laws have been passed, adding to the oppression of the unfortunate negroes, and which have not only abridged the rights of humanity, but of the citizen. Such is the character of the law which restricts and to a great degree prohibits the master from manumitting his slave. The idea should be ever present to the politicians of Virginia, that the state of Slavery is an unnatural state, and cannot exist forever; it must come to an end by consent or by force; and if by consent, it must from all experience, as from the nature of things, be preceded by ameliorating laws, which will have the effect of gradually and imperceptibly loosening the bonds of servitude.

Nothing is more erroneous than the idea which is entertained by many, that ameliorating laws, and especially manumissions, are productions of insurrections among the slaves. The history of the British and Spanish West Indies shows that in those Islands where they have prevailed most, the slaves have behaved best, and insurrections have occurred oftenest where the slaves have been most oppressed and manumissions most restricted. Indeed, we never hear of insurrections in the Spanish Islands, where the slaves are most under the protection of the law, and where there are no restrictions on manumissions. Virginia should repeal the law against emancipation, prohibit the domestic slave-trade—which is nearly allied in all its odious features to the African slave trade—restrict the power of the master in disposing of his slaves, by preventing him from separating the child from its parent, the husband from his wife, etc., and if possible, connect the slave under proper modifications to the soil, or at least to the vicinity of his birth; instruct the slaves especially in the duties of Religion; extend to them the protection of the laws, and punish severity in the master, and when cruelly exercised by him, it should vest the right in the slave to his freedom; or to be sold at an assessed valuation. These and many other provisions might be adopted which would have a most salutary effect, and especially the Spanish provision, which gives the right to the slave to buy a portion of his time as soon as he can procure the means, either by his own labor or by the bounty of others; thus, for instance, suppose a negro worth

\$600 on paying \$100, he is entitled to one day in each week, and so on. In connection with the emancipation of slaves, I should provide for the removal by bounty and otherwise, of free negroes from the country, as the natural difference, and unfortunate prejudice existing between the whites and blacks would make it the interest of both to be separated. This subject, is too big for a letter, and I can only add, that if I could see ameliorating laws adopted, if I did not live to see the emancipation, I should at least die with the happy consolation of believing that measures were in progress for the consummation of ultimate justice to the descendants of the unfortunate African; and that my country, and the descendants of my family, if not my nephews and neices, would lie down in peace and safety, and would not have entailed on them an unnatural and odious system, productive of strife, enmity and war, between themselves and their domestics. I was in hopes to have been able by this time to have informed you and my other friends of the result of the malicious suit instituted against me for freeing my negroes, and which is pending in our Supreme Court. The case was argued last week, but the court has adjourned to the 1st Monday of January, next, without deciding it. I was much disappointed in not getting a decision; I have however but little fear as to the result.

SOME UNDISTINGUISHED NEGROES

SOLOMON HUMPHRIES. Traveling through this country in 1833 at the very time when free Negroes were being denounced as an evil of which this country should by all means rid itself, C. D. Arfwedson found in Macon, Georgia a thrifty free Negro named Solomon Humphries, well known by all classes including local officials and even the governor of the State. Humphries had by dint of energy acquired his freedom and had made himself an asset in his community. He was then keeping a large grocery store and had more credit than many other merchants in the town, for he had accumulated about \$20,000 worth of property. He had a neat and comfortably furnished home, presided over by his wife, an intelligent woman of color, who was often seen driving with him in his own unostentatious carriage. He was sought by the wealthiest people of the city whom he lavishly entertained at his home, doing them the honor of waiting on them in person himself, although he had a number of slaves who could have rendered this service. Making it a rule to be especially hospitable to strangers, he invited Arfwedson to be his guest while in the city; but on account of having planned to go to Columbus that day, Arfwedson could not accept his invitation.—*Arfwedson's United States and Canada in 1833 and 1834*, I, p. 425.

A NEGRO COLONIZATIONIST. While the American Colonization Society was being denounced by the free Negroes of the North, many blacks of the same status in the South had a different attitude toward the movement, especially during the twenties before it had been discovered that Liberia was not suitable for a civilized people. One of the Negroes of the South to be won to this movement was a free man of color named Creighton, a slave owner of Charleston, South Carolina. He had accumulated considerable wealth and had begun to feel that it would be better for him to spend his remaining days in a land of freedom. Several other free blacks were induced to go with him. In disposing of his property he offered his slaves, the alternative of being liberated on the condition of accompanying him on his expedition or of remaining in this country

to be sold as other property. Only one of his slaves could be prevailed upon to accept freedom on these terms and go with him to Liberia. Creighton then closed up his business in Charleston, purchased for the enterprise a schooner *The Calypso* and set sail for Africa, October 17, 1821.—*Niles Register*, XXI, p. 163; taken from *The New York Commercial Advertiser*.

A MORALIST. A white cooper called upon a Negro who owned a fine farm near Cincinnati and expressed a desire to purchase some stave timber from him. The Negro inquired as to what use the cooper would make of it. The latter replied that he had a contract to make some whisky barrels.

"Well, Sir," was the prompt reply, "I have the timber and want the money, but no man can purchase a single stave or hoop pole, or a particle of grain from me for that purpose."

The cooper, of course, became unusually angry on receiving such a stern reproof and contemptuously addressed this man of color, calling him a "Nigger."

"That is very true," mildly replied the Negro. "I can't help that, but I *can* help selling my timber to make whisky barrels, and I mean to do it."—*The Weekly Herald and Philanthropist*, May 13, 1846.

A BENEVOLENT NEGRO. Before the Northwest Territory became disturbed by the influx of free Negroes and fugitives running away from persecution in the South, there had been enough trouble with white vagrants to lead to drastic laws for the protection of certain communities. Michigan, which did not until 1827 pass a measure dealing especially with undesirable Negroes, had prior to this time a law providing for selling idle and dissolute persons at auction. At one of the sales in 1821 a Negro bought a white man and ordered him to follow his master, and the order was obeyed. But the benevolent black took his servant to the steamboat, paid his passage and restored him his freedom, making himself satisfied with sending the white vagrant out of the territory.—*Niles Register*, XXI, p. 214.

BOOK REVIEWS

Harvard Studies. I. Varia Africana. I. ORIC BATES, Editor, F. H. STERNS, Asst. Editor. Introduction by THEODORE ROOSEVELT. The African Department of the Peabody Museum of Harvard University, Cambridge, 1917. Quarto. Pp. 292.

In the introduction to the Harvard African studies ex-President Roosevelt describes the enterprise which this volume represents as "the first serious attempt by Americans to contribute to the real study of the African." He might have added, with almost equal truth, that it is the first serious attempt by Americans to study the Negro.

Books have been written by Americans about the black man. Howard University, Washington, D. C., has a library of such books. There are other private collections, some of them running into several thousand volumes. Most of them are written in a controversial spirit. Many of them are theological, seeking to show, on the basis of scriptural quotations, that the social status of the black man is pre-ordained and eternally fixed. Others are pseudo-scientific attempts to solve the race problem by showing that the black man is not quite human. Some of them seek to prove, on the basis of anthropological data, that the Negro has no soul, hence efforts to Christianize him are hopeless.—Many more are written by Negroes to preserve some record of their meager history, or to defend the race against the monstrous attacks upon its humanity.

Such books are interesting and valuable as records of the sentiments and attitudes which the racial struggle has called forth in the black man and in the white. The strange distortions of fact and opinion which they record are significant, not so much for what they tell us of the Negro, as for what they reveal of the intensity of the racial conflict, and of the nature of the passions involved. Most books on the Negro in America published prior to 1900, and some books written since that time, are mainly valuable as source books for the social psychologist and the students of human nature. As literature they represent a melancholy anthology. As records of human nature, under the strains and stresses of a tragic although peaceful conflict, they have a new and fascinating in-

terest. It is in this sense that we can say, spite of all that has been written, that there are no scientific studies of the American Negro, there are only materials awaiting scientific interpretation.

It must be regarded as an event of the first importance, therefore, that an institution of the authority of Harvard University and the Peabody Museum proposes to publish a series of studies intended to cover the whole wide range of native African life and to extend these studies eventually to the descendants of the African peoples in America. No study of the Negro in America will be complete which does not take account of the African background of the race. On the other hand, no attempt to assess the qualities and capacities of the native African, living in his isolated and primitive environment, will be adequate which does not take account of the Negro's progress under the conditions of a civilized environment. As a matter of fact the Africans are the only contemporaneous primitive people who have anywhere achieved race consciousness and civilization without losing their racial identity. As a consequence almost every fundamental process and stage of civilization, from the most primitive to the most cosmopolitan man, is somewhere represented in the contemporary life of the Negro in Africa and America. It is this fact which lends significance to the present volume, since these studies propose to cover eventually the whole range of Negro life in Africa and America, so far as that can be done within the limits of the anthropological sciences. An editorial note at the end of this first volume describes the plan and scope of the proposed series of publications.

The Harvard African Studies is designed to consist of annual volumes—under the title of *Varia Africana*—made up of miscellaneous papers, and of occasional monographs presenting the results of original field or laboratory research.

The scope of the volumes may be defined as African anthropology in the widest sense. Only original papers are desired, but these may be of any length compatible with their presentation in a volume which is essentially in the nature of a journal, and may deal with any of the following subjects: psychology, archaeology, ethnography, linguistics, sociology, ethno-geography, religion, folklore, or technology. A range so wide must perforce be limited in some directions, and the editors have therefore decided upon the exclusion of purely historical papers, even when the latter embody the political records of native tribes. As an exception to this rule, the editors may be willing, under certain circumstances, to accept historical material which, by establishing the presence of this or that group of people in a certain locality, or by throwing light on the nature or date of a migration, bears on racial questions and problems of primitive culture.

The series is open to papers of a non-controversial character dealing with a topic sadly in need of more scientific treatment—we refer to the question of the American Negro. The anthropometrist, the sociologist, and the folklorist have in this direction a field of research which, if approached with adequate knowledge, can be made to yield invaluable results. As these results cannot but be of practical importance, the editors are particularly anxious to have an opportunity of presenting them.

As a further indication of the method and purpose of these studies the editors emphasize that an effort will be made not only to add to the mass of information already extant in the writings of explorers, traders, and missionaries, but to correlate and organize the information already existing.

Travelers, missionaries, administrators, and scientists have published a vast amount of valuable information regarding the various peoples and regions in Africa. As yet, however, there has been comparatively little correlation of this evidence. Now that the day of the reconnaissance explorer is essentially past, and we begin to receive accurate and detailed studies of single tribes, it is highly desirable to have the great mass of published material carefully sifted, so that the future student and investigator may be able to make his efforts as productive as possible.

From even a few such documents, it might be possible to plot cultural areas, as has been done for North America—the areas in question being regions of fairly uniform culture, marked off with some sharpness from other such areas. It would then appear whether the African areas depended on geographic conditions, on plant or animal distributions, or on the superior inventive genius of certain tribes or races. On the other hand, it might appear that the whole culture area hypothesis was untenable, and that within any given geographic area, or within any given tribe, there would exist elements of culture which were adopted at widely differing times and belonged to different culture levels. Thus, a true stratification of cultures might be exposed. Yet again, it might be found that people living in similar environments tended to develop a like culture regardless of any contact or close ethnic affinities.

At the present moment the task of correlating existing material in such a way as to test the validity of current theories and presuppositions of the anthropological sciences is quite as important as that of adding to existing collections of information. In this way only can the mass of information now extant be made available for the use of students in the secondary social sciences, like sociology and political science, which are dealing with immediate and practical problems. It is only in this way, for example, that the knowledge we have gained of the Negro in Africa will contribute to the solution of the race problem in America.

Interesting as is the prospect which opens with the first volume of the African Studies, the untechnical reader will probably be

more impressed with imposing appearance of the volume, with the character of its illustration and its general typographical appearance than with its contents. These consist of twelve articles of an average length of 23 pages dealing with the following types: *Siwan customs*, *Oral surgery in Egypt during the Old Empire*, *Worship of the Dead as practiced by some African Tribes*, *The Paleoliths of the Eastern Desert*, *Notes on the Nungu Tribe*, *Nasawara Province*, *A study of the Ancient Speech of the Canary Islands*, *Benin Antiquities in the Peabody Museum*, *The Utendi of Mwana Kupon*, *Notes on Egyptian Saints*, *Dafûr Gourds*, *An Inscription from Gebel Barkal*, and *Ancient Egyptian Fishing*.

Perhaps the most interesting of these articles, for the sociologist, is that of R. H. Blanchard entitled *Notes on Egyptian Saints*. Sainthood, as the author remarks, "is not a difficulty of achievement in the Islamic world." Every hamlet has its shrine and in the larger villages there will usually be found two or three such sanctuaries. Once a year, on his birthday, a festival and religious fair in honor of the saint is held. The primitive character of these religious celebrations is attested by the orgiastic and often licentious performances that accompany them. For example on the occasion of the festival of el-Hamâl et-Rayah, a purely local celebrity, "the whole adult male population of the town, in defiance of all orthodox Moslem sentiment, intoxicated themselves with whatever alcoholic beverages they could procure. Half a dozen prostitutes, hired for the occasion, set up their booths or tents in the town, and received all comers. There was among the revelers a great deal of horse-play of the most licentious character, particularly in the vicinity of the booths if the *sharamît*. Drunken men were dragged into the lanes by their friends, and there left lying, exposed to the village wags and wits. In 1914 this festival was modified by Government, which suppressed the more offensive features of the celebration."

One of the most interesting of these saints referred to was "an old Negro slave well known for his long, harmless, pious life." It is generally held that the body of a man who has during his life attained an unusual degree of sanctity is gifted with a supernatural power which is often exerted on those who carry his bier to the grave. The supernatural power of this old Negro saint was attested to in the following peculiar way: "Having died toward evening, he would not, on any account, have himself buried the same evening, and the bearers, in spite of all their shouting of *la ilah*

ill Allah (sic), could not bring the corpse to the graveyard. It remained therefore, all night in the house (though the people do not like to keep a corpse at night), watched by a multitude of people praying. Next morning also it could not be buried for a long time, the blessed dead compelled the bearers to go through all the streets of the town, till at last, on the recommendations of the governor, the higher officials carried the bier to the grave, even the Turkish soldiers could not accomplish it. The whole town was in uproar. The Mohammadans say the angels exercise this coercive power. The Christians believe it is the devil."

It seems probable, as the author suggests, that we have in these religious festivals in honor of a local celebrity surviving examples of localized and more primitive type of religious cult which has not yet been wholly superseded by the religion of Islam, with its wider outlook and more rational conceptions of life. The notes here recorded suggest at once questions which can only be answered by further investigation and by comparison of the materials gathered in this region with those that are now being brought to light in other fields. It is the purpose of the Harvard African studies to answer these questions, so far as they can be answered by a study of African life.

Interesting from other points of view are the reproductions of the remarkable collection of Benin antiquities at the Peabody Museum, of the celebrated Vai syllabary, and of an interesting poem of 100 lines in the Suaheli language said to have been dictated by a dying mother to her daughter. Transliteration and translation accompany the reproduction in the original script.

ROBERT E. PARK.

Fifty Years and Other Poems. By JAMES WELDON JOHNSON. With an Introduction by BRANDER MATTHEWS. The Cornhill Co., Boston, 1917. Pp. xiv, 92.

From time to time for the last fifteen years Mr. James Weldon Johnson has been remarked as one of the literary men of the race. He has now brought together his verses in a little volume, *Fifty Years and Other Poems*, an introduction to which has been written by Professor Brander Matthews, of Columbia University. The task was eminently worth while.

The book falls into two parts. The first is made up of poems in the commonly accepted forms, though there are one or two

examples of *vers libre*; and the second is entitled *Jingles and Croons*. This second division consists of dialect verses, especially the songs that have been set to music, most frequently by the poet's brother, Mr. J. Rosamond Johnson. Outstanding are the very first lines, *Since you went away*. It is well that these pieces have been brought together. For artistic achievement, however, attention will naturally be fixed upon the first division. *Fifty Years* was written in honor of the fiftieth anniversary of the emancipation of the race. Professor Matthews speaks of it as "one of the noblest commemorative poems yet written by any American—a poem sonorous in its diction, vigorous in its workmanship, elevated in its imagination, and sincere in its emotion." This is high praise, and yet it may reasonably be asked if there are not in the book at least four pieces of finer poetic quality. These are, first of all, the two poems that originally appeared in the *Century*, *Mother Night* and *O Black and Unknown Bards*, and *The White Witch* and *The Young Warrior*. The first of these four poems is a sonnet well rounded out. The second gains merit by reason of its strong first and last two stanzas. *The White Witch* chooses a delicate and difficult theme, but contains some very strong stanzas. *The Young Warrior* is a poem of rugged strength and one that deserves all the popularity it has achieved with Mr. Burleigh's musical setting. Mr. Johnson is strongest in the simple, direct, and sometimes sensuous expression that characterizes these latter poems, and it is to be hoped that he may have the time and the inclination to write many more like them.

BENJAMIN BRAWLEY.

Battles and Victories of Allen Allensworth. By CHARLES ALEXANDER. Sherman, French and Company, Boston, 1914. Pp. 429.

Here we have the story of a successful Negro born a slave in Kentucky but who, determined to succeed, rose to the distinction of a teacher and preacher and finally to that of a chaplain in the United States army with the rank of lieutenant-colonel. The value of this book to the historian, however, is not the mere sketch of Colonel Allensworth but the valuable facts bearing on the history of the Negroes in various parts of the United States. The philanthropic attitude of the Quakers toward Negroes, the life of the slave on the Mississippi, the relations between the poor whites and

the slaves, the escape of fugitives to Canada, and the work of the abolitionists are all mentioned from page to page.

The larger portion of the book, however, gives details of the life of Allensworth, which would interest only those who knew him personally. But his founding a town in California inhabited altogether by Negroes stamps him as a pioneer whose achievements in this field must engage the attention of the historian. The detailed accounts of his service as a chaplain in the United States army in the Spanish-American War and later in the Philippines add other valuable experiences which the public should know. The book contains also references to the work of Frederick Douglass, Judge William Jay and John Brown. The author mentions also scores of other persons who have in various ways helped to make the history of the Negro in the United States and especially those who were effective in bringing about the emancipation of the race.

The style of this book is decidedly rough. The work does not show organization. It is written in such a way as to indicate that the writer recorded his facts as they came to him at random without regard as to the principles of composition. It was wholly unnecessary for him to wander astray, discussing in detail the careers of almost every man of that time influencing the life of the Negro, without showing the connection between those facts and the life of the subject of this sketch. The chief value of this work, therefore, is that of a source book.

The Negro Migrant in Pittsburgh, A study in Social Economics.

By ABRAHAM EPSTEIN. Published under the supervision of the School of Economics, University of Pittsburgh. Pittsburgh, Pa., 1918.

The movement of the Negroes from the South to the North during the present world war bids fair to be recorded as the most significant event of our local history during this decade. In about two years a million Negroes have gone North to take the places of those immigrants who annually sought our shores prior to this upheaval. To show the significance of the exodus a number of writers have sketched it in newspapers and magazines. Books bearing on the subject are forthcoming. The first scientific study of the transplanted southern Negroes to appear in print, however, is Epstein's interesting and valuable work.

Departing from the newspaper Pullman-palace-car method of studying social conditions, Mr. Epstein assiduously applied himself to the task of making a house-to-house investigation of the home life of this large and typical community of Negroes recently brought to the North. He learned whence they came, their antecedent circumstances, why they abandoned their old homes, what they seek in the North and to what extent they are realizing their dreams. The various factors contributing to the solution of their local problems in Pittsburgh and those effective in confusing the situation are well treated.

This work is especially valuable in its portrayal of home conditions. The author directed his attention to what these migrants do, where they live, how they spend their earnings and how they amuse themselves. In this treatment, therefore, appears a discussion of health, disease and crime as influenced by the presence of these newcomers from a section in which their condition differed materially from what they find in the North. Whether or not we agree with him in his conclusions, therefore, this treatise must claim the attention of students of present-day problems, desiring to deal with facts rather than theories.

On the whole, Mr. Epstein does not find the Negro an exception to any other migrant. Most of the facts which he sets forth are after all favorable to blacks when one considers that their peculiar circumstances are due to race prejudice and the proscription of trades unions. The author did not find them unusually afflicted with disease, as was predicted, and he saw no evidence of a wave of crime. Most of the offenses charged to the account of the migrants are of the petty sort which arise from the stimulus given such by the denizens of vice tolerated by the community. Students of Negro life and history, therefore, should read this dissertation.

C. G. WOODSON.

NOTES

Mr. Oswald Garrison Villard who was kind enough to call our attention to the misprint of Sir Thomas Fowell Buxton Hart, for Sir Thomas Fowell Buxton, Bart., on page 20 of the January number of *THE JOURNAL OF NEGRO HISTORY*, has sent us the following note in William Lloyd Garrison's own words concerning his relations with this distinguished friend of the Negro in England:

"On arriving in London I received a polite invitation by letter from Mr. Buxton to take breakfast with him. Presenting myself at the appointed time, when my name was announced, instead of coming forward promptly to take me by the hand, he scrutinized me from head to foot, and then inquired, somewhat dubiously, 'Have I the pleasure of addressing Mr. Garrison, of Boston, in the United States?' 'Yes, sir,' I replied, 'I am he; and I am here in accordance with your invitation.' Lifting up his hands he exclaimed, 'Why, my dear sir, I thought you were a black man! And I have consequently invited this company of ladies and gentlemen to be present to welcome Mr. Garrison, the black advocate of emancipation from the United States of America!' I have often said that that is the only compliment I have ever had paid to me that I care to remember, or to tell of! For Mr. Buxton had somehow or other supposed that no white American could plead for those in bondage as I had done, and therefore I must be black!"

"The worthy successor of Wilberforce, our esteemed friend and coadjutor, Thomas Fowell Buxton," had this picture drawn of him by his guest (Mr. Garrison) on his return to America:

"Buxton has sufficient fleshly timber to make two or three Wilberforces. He is six feet and a half in height, though rather slender than robust. What a formidable leader of the anti-slavery cause in appearance! We always felt delighted to see him rise in his seat in Parliament to address the House, for his towering form literally caused his pro-slavery opponents to 'hide their diminished heads.' He is a very good speaker, but not an orator: his manner is dignified, sincere, and conciliating, and his language without pretence. But he has hardly decision, energy, and boldness enough for a leader. His benevolent desires for the emancipation of the

colonial slaves led him to accede to a sordid compromise with the planters, and he advocated the proposition to remunerate these enemies of the human race, and to buy up wholesale robbery and oppression, in opposition to the remonstrances of the great body of English abolitionists, and it furnishes a dangerous precedent in the overthrow of established iniquity and crime throughout the world. The results of the bargain do not (January, 1836) reach Mr. Buxton's anticipations. . . . Still, aside from this false step, Mr. Buxton deserves universal admiration and gratitude for his long-continued, able and disinterested efforts, amidst severe ridicule and malignant opposition, to break every yoke and set the oppressed free."

President Nathan B. Young, of the Florida Agricultural and Mechanical College, has kindly directed our attention to the following facts which appeared in an article in the *Tampa Tribune*, showing how adoption of the Thirteenth Amendment was effected:

"How the vote that made the Federal amendment abolishing slavery was polled in the house of representatives on January 26, 1863, was told to a representative of *The Tribune* yesterday by the reading clerk of that congress—now a Florida winter resident and nearing ninety years of age.

"A change of two votes would have defeated the amendment; and urgent business kept one man from being present to cast his vote against the measure, so it is seen that history came near being made another way that memorable day.

"The story was told, with all the vigor and freshness of a man just from the existing scenes and actions, by E. W. Barber, editor of the Jackson (Mich.) *Daily Patriot*, now at Crooked Lake, happy in the summer of Florida's winter. Mr. Barber was reading clerk for the thirty-eighth, thirty-ninth and fortieth congresses, from December, 1863 to 1869; and he is today the only official of that body who is living. He will be ninety years old on the third of July, coming, and is wonderfully preserved, all except his leg. Indeed he laughingly declared that he would have been a dead tree if he had not been pruned of a dead limb!

Tells of Memorable Day

"On the morning of December 26, 1863, said Mr. Barber, there was a stillness in the house that betokened doubt even then of the

passage of the amendment, for but four men in the world knew that it was a matter of accomplishment before the roll was called.

"The senate had already passed the amendment, he said, and the house had defeated it in the first session of the congress; and there was a doubt of its passage over in the lower body.

"After its defeat in the house, the party machinery was put in motion to bring into line sufficient votes to make the necessary three-fourths required. J. M. Ashley of Toledo and Augustus Frank of Warsaw, N. Y., were appointed a committee of two to see if votes enough could be secured at the short session to pass the bill through the house.

"Edward W. Barber, the reading clerk, and Richard U. Sherman, the tally clerk, kept a secret rollell under lock and key in their desk, and on this was marked the name of every man who had voted against the amendment. As a man was changed or converted, his name was reported to these two and his name added to those already secured for the amendment. One by one the change came, and at last one day when a name was added—the member from the Gettysburg district—Ashley exclaimed "There, by God. We've got enough."

"That day in the house Ashley, who had changed his vote to "nay" after the defeat of the bill earlier so he could move its reconsideration, and had complied with that parliamentary condition, gave notice that on January 26 he would call up the bill for a vote.

Measure Sways in Balance

"Betting ran high for and against the passage of the amendment, says Mr. Barber. The odds were that it would not be passed because of the violent opposition which it had evoked at the former attempt. There were but four men who knew how the matter would go, and those were E. W. Barber, reading clerk; Richard U. Sherman, tally clerk; J. M. Ashley, and Augustus Frank, the committee of two named to get the proper number of votes for the bill.

"The margin was close, two changes would have defeated it; and one member opposed to the amendment was absent, so he said afterward, because a large number of soldiers from his state were at Aquia Creek, and he felt he must pay them some attention. The name of this member was not given.

"Mr. Barber is still editing his paper, sending some fourteen

editorials a week to Jackson, Mich., for publication in *The Daily Patriot*, from his Florida home, five miles south of Lake Wales.

"He has been coming to Florida for forty-five years and, while he has been delaying his coming until well into December, he said yesterday that from now on he expects to come early in November and stay until well into spring.

"He is a most entertaining and interesting speaker and is full of enthusiasm for his adopted home and his future prospects here."

A group of Southern folks have organized a Southern Publicity Committee to advertise among themselves some of the South's constructive work in racial matters. They propose to furnish Southern daily papers with brief and accurate accounts of things actually being done in definite places by given persons or groups or States in the South, for or in cooperation with Negroes for Negro betterment, and to make the South a better place, morally and economically, for both races to live in.

The chairman of the committee is Dr. J. H. Dillard, director of the Jeanes and Slater Funds, a Virginian, and an LL.D. of three Southern universities, including his alma mater, Washington and Lee. The other members are Dr. Thomas Jesse Jones, specialist of the U. S. Bureau of Education; Mrs. Percy V. Pennypacker, of the National Federation of Women's Clubs; the Rt. Rev. Theodore D. Bratton, D.D., of the Diocese of Mississippi; Messrs. Clark Howell of the Atlanta Constitution; Arthur B. Krock, of the Louisville Courier-Journal; D. P. Toomey, of the Dallas News; C. P. J. Mooney of the Memphis Commercial-Appeal; E. E. Britton, formerly of the Raleigh Observer, private secretary to Secretary Daniels; Jackson Davis of Richmond, general field agent of the General Education Board; Walter Parker, general manager of the New Orleans Association of Commerce; the Rev. J. W. Lee, D.D., of St. Louis, the well-known Southern Methodist minister, author and lecturer; Dr. W. S. Currell, president of the South Carolina State University; Dr. Chas. L. Crow, of the State university of Florida; Dr. W. D. Weatherford, of Nashville, Tenn., secretary of the International Y. M. C. A.; and Mrs. John D. Hammond of Georgia, who will act as secretary for the committee.

The Committee will undertake publicity work in behalf of the best aspects of our inter-racial relations in no spirit of boastfulness or of self-satisfaction as Southerners. They are aware of the shadows, the back eddies, the sinister influences in the lives of both

racers. But they believe the good outweighs the evil, and deserves at least as wide a hearing; and that to give publicity to successful constructive work done by their own people will encourage others to similar efforts, and will further the interests of both races. They ask a hearing from the Southern public for these aspects of Southern life.

Dean Benjamin P. Brawley, of Morehouse College, has brought out a new work entitled *The Negro in Literature and Art*, published by Duffield and Company, New York City. It was incorrectly reported in our last issue that this work was to be published by Dodd, Mead and Company.

Dean Brawley contributed to the *Sewanee Reivew* for January an article entitled *Richard le Gallienne and the Tradition of Beauty*. This is a literary study of merit.

Dr. James H. Dillard contributed to *School and Society* an article entitled *County Machinery for Colored Schools in the South*. It contains information both helpful and valuable to persons interested in the education of the Negro.

M. M. Ponton's *Life and Times of Henry M. Turner* has come from the press of A. B. Caldwell Publishing Company, Atlanta, Georgia.

G. P. Putnam's Sons have announced the publication of Ella Loun's *Reconstruction in Louisiana*.

J. E. Semmes has published *John H. B. Latrobe and His Times, 1803-1891*, through the Norman Remington Company, Baltimore.

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EDITED BY
CARTER G. WOODSON

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CONTENTS

IVAN E. McDOUGLE: <i>Slavery in Kentucky</i>	211
I. Introduction	211
II. <i>The Development of Slavery</i>	214
III. <i>The Legal Status of Slavery</i>	240
IV. <i>The Social Status of the Slave</i>	281
V. <i>Public Opinion Regarding Emancipation and Colonization</i>	303
BOOK REVIEWS:	329
BRAWLEY'S <i>The Negro in Literature and Art in the United States</i> ; JOHNSTON'S <i>The Black Man's Part in the War</i> ; RHODES'S <i>History of the Civil War</i> ; BURLIN'S <i>Negro Folk Songs</i> , Part I.	
NOTES:	333

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A VALUABLE BOOK

The Education of the Negro Prior to 1861

The History of the Education of the Colored People of the
United States from the Beginning of Slavery to the Civil War

BY

CARTER GODWIN WOODSON, Ph. D.

(HARVARD)

460 pp. \$2.00; by mail \$2.15

"This book is neither a controversial treatise on Negro education nor a study of recent problems. Dr. Woodson has given us something new. He has by scientific treatment amassed numerous facts to show the persistent strivings of ante-bellum Negroes anxious to be enlightened. What they accomplished is all but marvelous."

The author aims to put the student of history in touch with the great movements which effected the uplift of the Negroes, and to determine the causes which finally reduced many of them to heathenism.

The titles of the chapters are: "Introduction," "Religion with Letters," "Education as a Right of Man," "Actual Education," "Better Beginnings," "Educating the Urban Negro," "The Reaction," "Religion without Letters," "Learning in Spite of Opposition," "Educating Negroes Transplanted to Free Soil," "Higher Education," "Vocational Training," "Education at Public Expense." In the appendix are found a number of valuable documents. The volume contains also a critical bibliography and a helpful index.

OPINIONS

"I like it very much. You seem to have loosened up on your style a bit and you have done an excellent piece of research. . . . I hope that your book will have a good sale."—*Edward Channing, McLean Professor of Ancient and Modern History, Harvard University.*

"It seems clear to me that you have made a substantial contribution to the subject and I know I shall profit by it."—*Frederick J. Turner, Professor of History, Harvard University.*

"I thought at first it would be out of my line, but on turning its pages, I discovered that it may well hold the attention of everybody with an intelligent interest in the colored people. You write easily and flexibly and have certainly compiled important material in the true spirit of scholarship. I congratulate you sincerely."—*Ferdinand Schevill, Professor of History in the University of Chicago.*

"It seems to me that you have taken a field of which little has been known and developed in it a most interesting and valuable book. I am glad to have it in my library and rejoice that I have had the privilege of some personal acquaintance with the author."—*Francis W. Shepardson, Professor of History in the University of Chicago.*

"I am delighted with the thoroughly scholarly way in which it has been put together and I know enough about the subject to appreciate what it has cost you in time and effort to perform this work."—*Dr. Robert E. Park.*

"It is the story of the effort on the part of certain agencies to educate the Negro. It is above all the story of the strivings of the Negro himself under tremendous difficulties and opposition, to learn things, to know more, to be more. . . . Apart from the fund of information on the subject which Dr. Woodson has here offered, the supreme point of this study is the unconquerable will of the Negro. . . . The book, as a whole, is an illumination of the recent development of education among the colored people."—*The Washington Star.*

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McDOUGLE

to consider to what extent Kentucky served as a breeding State for slaves destined to the market in the lower South.

In the chapter on the legal status of slavery special emphasis has been placed not only upon the legal position of the institution but upon the general evolution of the rights of the Negro in servitude. This section is vitally connected with the anti-slavery movement after about the year 1835. The problem of the fugitive slave and the general rights of emancipation and of the freed Negro have been approached purely from the legal standpoint.

The chapter on the social status of the slave considers the conditions of slave life that were more or less peculiar to Kentucky. There has often been made the statement, that in Kentucky Negro servitude was generally on a higher plane than in the States to the south and the treatment of slaves was much more humane. Some light has been thrown on these questions.

As a supplement to the discussion of the legal and social status a general summary of public opinion regarding emancipation and colonization has been added. Although for the most part consisting of previously published material this section has been treated from the viewpoint of the existing institution and not from the anti-slavery side which occasioned most of the original publication.

This study has been made from a consideration of the contemporary evidence as found in newspapers, statements of slaves, and general evidence of travelers and citizens of Kentucky during the period before the Civil War. The material for the study of this field is not only scattered throughout the country but for the most part it is very meager compared with the records of States like Virginia and Missouri. All the documents, papers, manuscripts and works known to be of value, however, have been consulted. The most valuable records for this treatise are to be found in the Durrett Collection at the University of Chicago, the extensive files of early Kentucky papers in the Library of the American Antiquarian Society, and the documents in the Kentucky State Library at Frankfort.

To Mr. Clarence S. Brigham, of the American Antiquarian Society, Mr. Edward A. Henry, of the University of Chicago Library, and Mr. Frank Kavanaugh, of the Kentucky State Library, I am indebted for invaluable assistance rendered in securing material for this work. The treatment of the legal status of slavery would have been very meager, were it not for the valuable aid given by Dr. George E. Wire, of the Worcester County (Massachusetts) Law Library. To Miss Florence Dillard, of the Lexington (Kentucky) Public Library, I am indebted for assistance given throughout the period of my studies. To Prof. George H. Blakeslee, of Clark University, I owe more than to any one else—for his inspiration during my three years of study, for his most valuable aid in the correction of the manuscript, his candid judgment and judicial reasoning and the many suggestions which have helped to make this study what it is.

IVAN E. McDOUGLE

CLARK UNIVERSITY,
WORCESTER, MASSACHUSETTS.

CHAPTER II

THE DEVELOPMENT OF SLAVERY

It is impossible to understand slavery in Kentucky without some knowledge of the method by which the land was settled in the latter part of the eighteenth century. Between 1782 and 1802 the seven States which had interest in western lands ceded their rights to the United States and all that territory with the exception of Kentucky and the Connecticut Reserve in Ohio was made a part of the public domain. Hence, one of the distinguishing features of the settlement of Kentucky as compared with Ohio was that in the latter State the land was sold by the Federal Government to settlers coming from all parts of the country but particularly from the northeastern section. The result of this was that few citizens of Ohio held more than 640 acres.

Kentucky had been reserved by Virginia and consequently the method of settlement was purely a matter governed by that State and was separate and apart from the system which was employed by the United States Government. Furthermore, Kentucky lands were all given out by 1790, just one year after the beginning of our national period. The federal land policy was at that time just beginning. Virginia gave out the lands in Kentucky by what is known as the patent system, and all the settlers in Kentucky held their lands by one of three different kinds of rights.

In the first place there were those who were given tracts in the new territory as a reward for military services which had been rendered in the Revolution. This had been provided for by the legislature of Virginia as early as December, 1778.¹ No land north of the Ohio River was to be granted out as a military bounty until all the "good lands" in the

¹ Henning's Statutes, Vol. X, p. 50.

Kentucky region had been exhausted. The size of these tracts was to be governed by the official status of the recipient in the late war, and the bounties finally granted by Virginia ranged all the way from one hundred to fifteen thousand acres.²

The Virginia legislature of 1779 found it necessary to establish a second method of settlement in Kentucky in response to the demands of the large number of people who were migrating to the west of the Alleghenies. Provision was made for the granting of preemption rights to new settlers and also for the introduction of a very generous system of settlement rights. These settlement and preemption rights were almost inseparable, as the latter was dependent upon the former. It was provided that four hundred acres of land would be given to every person or family who had settled in the region before the first of January, 1778.³ The word "settlement" was stated to mean either a residence of one year in the territory or the raising of a crop of corn. In addition to the above grant every man who had built only a cabin or made any improvement on the land was entitled to a preemption of one thousand acres, providing such improvements had been made prior to January 1, 1778. Preference in the grants was to be given to the early settlers and even the most famous heroes of the Revolution were not allowed to interfere with the rights of those who held a certificate of settlement.

Thus far provision had been made only for those who had settled before 1778. To them was given the best of the land. Thereafter all settlement and preemption rights ceased and the further distribution of land in Kentucky was by means of treasury warrants. A person desiring land in Kentucky would appear at one of the Virginia land offices and make an entry and pay a fee amounting to about two cents per acre. The paper he would receive would give the approximate location of the tract and the recipient would

² Henning's Statutes, Vol. XI, p. 309; Treat, P. J., *National Land System*, p. 235.

³ *Ibid.*, Vol. X, pp. 35-45.

proceed to have the land surveyed at his pleasure. Within three months after the survey had been made he was to appear at the land office and have the same recorded. A copy of this record was to be taken to the assistant register of the land office in Kentucky and there it was to remain six months in order to give prior settlers, if any, the right to prove their claims to the property. No such evidence being produced a final record of the patent was to be made and a copy given to the original grantee.⁴

An interesting example of this method of settlement is shown by the experience of Abraham Lincoln, the grandfather of President Lincoln. On March 4, 1780, soon after the establishment of the new system, he appeared at the land office in Richmond, Virginia, and was given three treasury warrants, each for four hundred acres of land in Kentucky. The first and third of these warrants were not returned for the final recording until May 16, 1787, at which time Beverly Randolph, Governor of Virginia, issued a final deed of 800 acres of land in Lincoln County, Kentucky, to Abraham Lincoln.⁵ The second treasury warrant was not returned until July 2, 1798, more than a decade after the death of Abraham Lincoln and six years after Kentucky had become a State. At that time the warrant was presented with a record of the survey by Mordecai Lincoln, the eldest son of Abraham. After some period of investigation the deed for the four hundred acres in Jefferson County was turned over to Mordecai Lincoln on April 26, 1799.⁶

The result of this method of granting land was that Kentucky was settled by a comparatively few men who rented their property to tenants. A large number of the military bounties were never settled by the original owners but were farmed by the later incoming tenant class. George Washington had been given five thousand acres and this land was actually settled by the poorer white element. In the

⁴ Winterbotham, *An Historical Geographical Commercial and Topographical View of the United States*, Vol. 3, pp. 156-157.

⁵ *Kentucky Land Grants*, Book 13, p. 59.

⁶ *Ibid.*, Book 8, p. 228.

case of the land warrant property it was true that it was usually granted to the poorer class of early settlers but as in the instance of the Lincoln family the land soon passed into the hands of the wealthier settlers either by purchase or through law suits. It is commonly stated that Daniel Boone thus became landless and was forced to migrate to Missouri.⁷

Thus we see that Kentucky was distinctly different from all the other settlements to the west of the Alleghenies in the original system of land tenure and she further inherited from her mother State of Virginia the ancient theory of a landed aristocracy which was based upon tenantry. The early inhabitants of Kentucky can be easily divided into three classes, the landed proprietors, their slaves, and the tenant class of whites. The second and third classes tended to keep alive the status of the former and led to the perpetuation of the landed aristocracy. In Kentucky, however, the laws of descent were always against primogeniture and this resulted in the division of the lands of the wealthier class with each new generation.

The institution of slavery in Kentucky, as in every other State, depended for the most part upon the existence of large plantations. The only reason Kentucky had such large estates was because of the method by which the land was given out by the mother State. Economically Kentucky was not adapted to plantation life. The greater part of the State required then, as it still does, the personal care and supervision of the owner or tenant. The original distribution of land made this impossible and there grew up a large class of landholders who seldom labored with their hands, because of the traditional system. A large number of inhabitants as early as 1805, Michaux found, were cultivating their lands themselves, but those who could do so had all the work done by Negro slaves.⁸

With passing years, while Kentucky maintained slavery,

⁷ Shaler's *Autobiography*, p. 33.

⁸ Michaux (Thwaite's Reprint), *Travels to the West of the Allegheny Mountains*, Vol. 3, p. 237.

it came to have a social system not like that in the South but one more like the typical structure of the middle nineteenth century West. There were several reasons for this. In the first place, the absence of the policy of primogeniture in time came to distribute the lands over a much larger population. In the second place, while all the land in Kentucky had been granted by the year 1790, the patrician landholding element was completely submerged by the flood of so-called plebeians who came in soon after Kentucky became a State. In 1790 there were only 61,133 white people in Kentucky, and although all the land had been granted, the white population in the next decade nearly tripled, reaching 179,871 in 1800, and this increase, at a slightly smaller rate, continued down to about 1820. Still further the nature of the soil made it more profitable for the wealthier landed class to let out their holdings to the incoming whites who did their own work and in time came to own the property. "Each year increased this element of the state at the expense of the larger properties."⁹

A study of the growth of the slave and white population of Kentucky from 1790 to 1860 is necessary to an adequate understanding of the slave problem. It will be found ad-

POPULATION FROM 1790 TO 1860 WITH RATES OF INCREASE

	White	Per Cent Increase	Free Colored	Per Cent Increase	Slave	Per Cent Increase	Total	Per Cent Increase
1790..	61,133		114		11,830		73,077	
1800..	179,871	194.22	741	550.00	40,343	241.02	220,955	202.36
1810..	324,237	80.26	1,713	131.17	80,561	99.69	406,511	83.98
1820..	434,644	34.05	2,759	61.06	126,732	57.31	564,317 ¹⁰	38.82
1830..	517,787	19.12	4,917	78.21	165,213	30.36	687,917	21.09
1840..	590,253	13.99	7,317	48.81	182,258	10.31	779,828	13.36
1850..	761,413	28.99	10,011	36.81	210,981	15.75	982,405	25.98
1860..	919,484	20.76	10,684	6.72	225,483	6.87	1,155,684 ¹¹	17.64

vantageous to deal with two sets of figures—one relating to the slave population within the State and the other with the slave increase in Kentucky as compared with the general

⁹ Shaler, N. S., *Kentucky*, p. 196.

¹⁰ Includes 182 Indians.

¹¹ Includes 33 Indians.

increase throughout the United States. It would not be of any value to compare the figures for Kentucky with those of any other State, for that would involve the discussion of local factors which are beyond the scope of this investigation.

First of all we shall take the census statistics for the State for all eight of the enumerations which were taken during the slavery era. The figures for the year 1790 were originally taken when Kentucky was a part of the State of Virginia, but they are included, since Kentucky became a State before the census was published. Furthermore they furnish an interesting light upon the growth of the slave population during the first decade of the new commonwealth. The important part of this table is in the increases, on a percentage basis, in the slave and white populations. Another viewpoint of the growth of the slave population may be seen in this little table:

RATIO OF SLAVES TO THE TOTAL POPULATION

	Per Cent		Per Cent
1790	16.1	1830	24.0
1800	18.2	1840	23.3
1810	19.18	1850	21.4
1820	22.4	1860	19.5

Here it will be seen that the proportion of slaves increased down to 1830 and then began to decline. Most authorities are agreed that this was in a large measure due to the enactment of the law of 1833 forbidding the importation of slaves

FREE NEGRO AND SLAVE POPULATION OF THE UNITED STATES, 1790 TO 1860,
WITH RATES OF INCREASE

	Free Negro	Per Cent Increase	Slaves	Per Cent Increase
1790	59,557		697,624	
1800	108,435	82.1	893,602	28.1
1810	186,446	71.9	1,191,362	33.3
1820	233,634	25.3	1,538,022	29.1
1830	319,599	36.8	2,009,043	30.6
1840	386,293	20.9	2,487,355	23.8
1850	434,495	12.5	3,204,313	28.8
1860	488,070	12.3	3,953,760	23.4

into Kentucky. But before dealing with that question it would be well to have before us the figures for the whole country at the same period.

The facts seem more significant, if we compare the slave increase in Kentucky with that of the Negroes in the country as a whole. Bearing in mind that Kentucky was a comparatively new region when it became a State and that at that time slavery was firmly established along the seaboard, we are not surprised to find that the slave increase in Kentucky was much more rapid for the first three or four decades than it was in the nation as a whole. After the year 1830 the increase in the United States, on a percentage basis, was much greater than in Kentucky. It seems that the institution started in with a boom and then eventually died down in Kentucky.

There were several reasons for this fact. A glance at the increase of whites in Kentucky for the last three decades will show that they were forging ahead while the slaves were relatively declining. This was due to a large amount of immigration of that class of white people who were not slaveholding. A second factor was the non-importation act of 1833. About the same time there came to be a conviction among a large portion of the population that slavery in Kentucky was economically unprofitable. There is abundant ground for the position that the law of 1833 was passed because of a firm conviction that there were enough slaves in the State. The only ones who could profit by any amount of importation were the slave dealers and beyond a certain point even their trade would prove unprofitable. If there was ever a single slaveholder who defended importation on the ground that more slaves were needed in Kentucky he never spoke out in public and gave his reasons for such a position.

Unfortunately there are few statistics concerning the number of slaveholders in Kentucky. Cassius M. Clay in his appeal to the people in 1845 stated that there were 31,495 owners of slaves in the State.¹² The same year the

¹² Greeley, Horace, *Writings, Speeches and Addresses of Cassius M. Clay*, p. 177.

auditor's tax books showed that there were 176,107 slaves in Kentucky.¹³ This would mean an average of 5.5 slaves for each owner. The accuracy of these figures is substantiated by those for the census of 1850 which gave 210,981 slaves held by 38,456 slaveholders or an average of 5.4 to each owner. These holders were classified according to the number of slaves held as follows:

Holders of 1 slave	9,244
Holders of over 1 and less than 5 slaves	13,284
Holders of 5 and under 10 slaves	9,579
Holders of 10 and under 20 slaves	5,022
Holders of 20 and under 50 slaves	1,198
Holders of 50 and under 100 slaves	53
Holders of 100 and under 200 slaves	5
	<hr/> 38,385 ¹⁴

This distribution shows that, although the average number of slaves held may have been 5.4 for each slaveholder, 21,528 or 50 per cent of them held less than five slaves each, and that 34,129 or 88 per cent held less than 20 each. Of the 132,920 free families in the State only 28 per cent held any slaves at all. This was somewhat below the average for the whole South. The total number of families holding slaves in the United States, by the census of 1850, was 347,525. With an average of 5.7 persons to each family there were about 2,000,000 persons in the relation of slave owners, or about one third of the whole white population of the slave States. In South Carolina, Alabama, Mississippi, and Louisiana about one half of the white population was thus classified. As stated above, this percentage in Kentucky was only twenty-eight.

This comparison can be more clearly shown by a table of the slave States from the census of 1850 showing the number of white people, the slaveholders, slaves, and the average number of slaves for each slaveholder.

¹³ *Collected Documents*, 1847, p. 581.

¹⁴ *De Bow's Statistical Review*, p. 95.

	Whites	Slave-holders	Per Cent of Whites	Slaves	Average per Holder
Alabama	426,514	29,295	6.8	342,844	11.6
Arkansas	162,189	5,999	3.7	47,100	7.8
Florida	47,203	3,520	7.4	39,310	11.1
Georgia	521,572	38,456	7.3	381,622	9.9
Kentucky	761,413	38,385	5.0	210,981	5.4
Louisiana	255,491	20,670	8.0	244,809	11.4
Maryland	417,943	16,040	3.8	90,368	5.6
Mississippi	295,718	23,116	7.8	309,878	13.4
Missouri	592,004	19,185	3.2	87,422	4.5
North Carolina	553,028	28,303	5.1	288,548	10.2
South Carolina	274,563	25,596	9.3	384,984	15.0
Tennessee	756,836	33,864	4.4	239,459	7.0
Texas	154,034	7,747	5.2	58,161	7.5
Virginia	894,800	55,063	6.1	472,528	8.5

Among the fourteen real slaveholding States of the Union Kentucky stood ninth in the number of slaves in 1850, but was third in the number of slave owners and with the exception of Missouri had less slaves for each owner than any other State. From the third column of this table, however, we are rather surprised to find that not only in Missouri but in Arkansas, Maryland and Tennessee the number of slaveholders was smaller in proportion to the total white population than in Kentucky.

Helper in his *Impending Crisis* made the following interesting table from the census figures for 1850. He set a perfectly arbitrary valuation of \$400 on each slave, but, if

	Value of Slaves at \$400 per Head	Value of Real and Personal Property Less the Value of Slaves
Alabama	\$137,137,600	\$ 81,066,732
Arkansas	18,840,000	21,001,025
Florida	15,724,000	7,474,734
Georgia	152,672,800	182,752,914
Kentucky	84,392,400	217,236,056
Louisiana	97,923,600	136,075,164
Maryland	36,147,200	183,070,164
Mississippi	123,951,200	105,000,000
Missouri	34,968,800	102,278,907
North Carolina	115,419,200	111,381,272
South Carolina	153,993,600	134,264,094
Tennessee	95,783,600	111,671,104
Texas	23,264,400	32,097,940
Virginia	189,011,200	202,634,638

¹⁵ Adapted from De Bow's *Statistical Review*, pp. 67, 85, 99.

one takes into account the infants and the aged unable to work, his general appraisalment of the slave group is fair enough for the time and for a basis of comparison. It will be seen at a glance that after taking out the value of the slaves in all the States Kentucky was the richest southern commonwealth.

From the three preceding tables it is apparent that while the Kentucky slaveholders represented about 28 per cent of the white population of the State, on the average they held less slaves than in the other Southern States. Slave property in Kentucky was a much smaller part of the wealth of the commonwealth than in the States to the south. The relatively large number of holders is to be explained by the type of slavery which existed in the State. Many persons held a few servants in bondage and those who held many slaves were very few in number.

The question of the sale of slaves from Kentucky into the southern market presents a much more formidable problem. The chief charge that the anti-slavery people made against Kentucky was that the State regularly bred and reared slaves for the market in the lower South. What was the attitude of the Kentucky slaveholder and the people in general on the question of the domestic slave trade? There is no doubt that in the later years of slavery there were sold in the State many slaves who ultimately found their way into the southern market notwithstanding the contempt of the average Kentucky slaveholder for the slave trade. This trend of opinion will be seen as we proceed. If the sentiment was decidedly against such human commerce how did so many slaves become victims of the slave trader?

There were five general causes which led to the sale of slaves in Kentucky: (1) When they became so unruly that the master was forced to sell; (2) when their sale was necessary to settle an estate; (3) when the master was reduced to the need of the money value in preference to the labor; (4) when captured runaways were unclaimed after one year; and (5) when the profit alone was desired by unscrupulous masters. Many other reasons have been given, but a care-


ful investigation of all available material confines practically every known case of sale to one of the above classifications. Mrs. Stowe in her *Key to Uncle Tom's Cabin*¹⁶ maintained that the prevalence of the slave trade in Kentucky was due to the impoverishment of the soil beyond recovery and the decrease in the economic value of the slave to its owner. This argument is fallacious, for the very blue-grass region which held most of the slaves is today the most fertile section of the State.

As long as a slave conducted himself in accordance with the spirit of the slave code there was little chance of his owner selling him against his will. The president of the Constitutional Convention of 1849 stated that in the interior of the State, where slaves were the most numerous, very few Negroes were sold out of the State and that they were mostly those whose bad and ungovernable disposition was such that their owners could no longer control them.¹⁷ A true picture of the average master's attitude has been given us by Prof. N. S. Shaler. "What negroes there were," said he, "belonged to a good class. The greater number of them were from families which had been owned by the ancestors of their masters in Virginia. In my grandfather's household and those of his children there were some two dozen of these blacks. They were well cared for; none of them were ever sold, though there was the common threat that 'if you don't behave, you will be sold South.' One of the commonest bits of instruction my grandfather gave me was to remember that my people had in a century never bought or sold a slave except to keep families together. By that he meant that a gentleman of his station should not run any risk of appearing as a 'negro trader,' the last word of opprobrium to be slung at a man. So far as I can remember, this rule was well kept and social ostracism was likely to be visited on any one who was fairly suspected of buying or selling slaves for profit. This state of opinion was, I believe, very general among the better class of slave

¹⁶ Stowe, *Key to Uncle Tom's Cabin*, p. 143.

¹⁷ *Louisville Weekly Journal*, October 17, 1849.

owners in Kentucky. When negroes were sold it was because they were vicious and intractable. Yet there were exceptions to this high-minded humor."¹⁸

When a master had a bad Negro about the only thing that could be done for the sake of discipline was to sell him. If the owner kept the slave, the latter would corrupt his fellows and if he were set free, the master would reward where he ought to punish. The human interest which the owner took in his servant when the demands of the institution necessitated his sale is shown in the case of the Negro Frank, owned by A. Barnett, of Greensburg. Witness these words of the master in a runaway advertisement: "His transgressions impelled me, some years since to take him to New Orleans and sell him, where he became the property of a Spaniard, who branded him on each cheek thus, , which is plain to be seen when said negro is newly shaved. I went to New Orleans again last May, where, having my feelings excited by the tale Frank told me, I purchased him again."¹⁹ After the master had gone to all this trouble in the interest of the slave the latter ran away shortly after his return to Kentucky.

It was often necessary to sell slaves in order to settle an estate. It was seldom possible for a man to will his property in Negroes without some divisions becoming necessary at the hands of the executor in the just interest of the heirs. These public auctions usually took place on court day, at the courthouse door and were conducted by the master commissioner of the circuit court. The following advertisement reveals the necessity and the procedure:

SALE OF NEGROES

By virtue of a decree of the Fayette Circuit, the undersigned will, as Commissioner to carry into effect said decree, sell to the highest bidder, on the public square in the city of Lexington, on Monday the 10th of March next, being county court day, the following slaves, to wit:

¹⁸ Shaler's *Autobiography*, p. 36.

¹⁹ *Louisville Public Advertiser*, December 24, 1829.

Keiser, Carr, Sally, Bob, Susan, Sam, Sarah and Ben; belonging to the estate of Alexander Culbertson, deceased. The sale to be on a credit of three months, the purchaser to give bond with approved security. The sale to take place between the hours of 11 o'clock in the morning and 3 o'clock in the evening.

February 26, 1834

JOHN CLARK, *Commissioner*²⁰

On the same day the sheriff of the county might appear at the courthouse door in accordance with a previous announcement and auction off any unclaimed runaway that had been lodged in the county jail or hired out under his authority for a period of a year or more. The slaves thus sold were usually fugitives from the lower South who had been apprehended on their way to Ohio or Indiana. Although the utmost publicity would have been given to their capture, in accordance with the law, few of the planters of the far South seem ever to have claimed their property. The usual legal code in this matter is shown by the notice below:

NOTICE: Agreeably to an act of the General Assembly, passed January 11, 1845, I will, on the first Monday of May, 1846, before the Court House door, in the city of Louisville, sell to the highest bidder, on a credit of six months, the purchaser giving bond with good security, having the force and effect of a replevin bond, JOHN, a runaway slave, 18 or 19 years of age, 5 feet 3 or 4 inches high, a rather heavy built, supposed to be the property of Daniel McCaleb or Calip, residing on the coast some twenty miles below New Orleans.

F. S. J. RONALD *Deputy Sheriff*

Feb. 25, 1846.

for JAMES HARRISON *Sheriff Jefferson Co.*²¹

Under the three causes of sale thus far cited the blame would not be placed upon the master. In the case of the unruly Negro the owner was according to the ethics of that day not at fault. In the settlement of an estate the slaveholder was no longer a factor, for his demise alone had

²⁰ *Lexington Observer and Kentucky Reporter*, February 27, 1834.

²¹ *Louisville Weekly Journal*, March 4, 1846.

brought the sale. In the case of the runaway the owner was unknown. Mrs. Stowe probably showed the attitude of the average Kentucky master when she pictured Uncle Tom as being sold for the southern market only because of the economic necessities of the owner. When in such a position the master felt called upon to explain the necessities of the case. He was very careful not to be cast under the suspicion of public opinion as a "slave trader," which, as Shaler has said, was the "last word of opprobrium." Witness a few instances in evidence:

NEGROES FOR SALE

A yellow negro woman of fine constitution, and two children, from the country, and sold for no fault but to raise money. Will not be sold to go down the river. Her husband, a fine man, can be had also. Apply at the store of

JARVIS AND TRABUE—3rd & Main²²

The editor of the *Lexington Reporter* was very careful not to get under the ban of his constituents when he was forced to sell a farm hand and his wife.

FOR SALE

A negro man, a first rate farm hand, about 27 years of age; and a very likely woman, the wife of the man, about 22 years of age, a good house servant. They will not be sold separately, or to any person wishing to take them out of the State. Enquire at this office.²³

In 1834 Thomas J. Allen, a citizen of Louisville, desired to exchange his property in the city for 40 or 50 slaves, but he specifically stated that they were to be for his own use and that he wanted them to be "in families."²⁴ The same attitude appears in the case of a house servant for sale with the reasons for such specifically stated:

²² *Louisville Weekly Journal*, September 3, 1845.

²³ *Lexington Observer and Kentucky Reporter*, Jan. 28, 1835.

²⁴ *Ibid.*, July 9, 1834.

FOR SALE

I wish to sell a negro woman, who has been accustomed to house work. She is an excellent cook, washes and scours, and is in every respect, an active and intelligent servant. I do not require her services, which is my only reason for wishing to dispose of her.

MASLIN SMITH²⁵

The prevalence of statements giving the reasons for and the restrictions upon these sales should show beyond any reasonable doubt that public opinion would not tolerate any suspicion of a heartless traffic in slaves. These sentiments were especially prevalent in the central portion of the State. The only case known to the writer where a large number of slaves were sold without any qualification was near Harrodsburg in August, 1845; but in this instance all the man's property, including 450 acres of land, was sold at the same time.²⁶

There were, naturally, some unscrupulous masters who cared little for the fate of their slaves when sold. They placed no restrictions upon the sale, either in destination or in the break-up of family ties. We will cite only two, one for the earlier and one for the later period, noticeable chiefly for the lack of regard for Negro family life.

NEGROES FOR SALE

The subscriber has for sale a negro man and woman, each about 24 years of age, both are excellent plantation hands, together with two children. They will be sold separately or altogether.

LUIDORES LUCAS²⁷

FOR SALE

I wish to sell a negro woman and four children. The woman is 22 years old, of good character, a good cook and washer. The children are very likely, from 6 years down to 1½. I will sell them together or separately to suit purchasers.

J. T. UNDERWOOD.²⁸

²⁵ *Lexington Observer and Kentucky Reporter*, Jan. 7, 1835.

²⁶ *Louisville Weekly Journal*, August 6, 1845.

²⁷ *Bairdstown Candid Review*, June 20, 1809.

²⁸ *Louisville Weekly Journal*, May 2, 1849.

The aggregate of all these causes was sufficient to bring about a supply for the southern market. The question now arises as to how the demand was met commercially. To what extent were there slave traders in Kentucky? George Prentice, the famous editor of the *Louisville Journal*, himself a loyal exponent of slavery, early pointed out that Kentucky had an ample supply of Negroes and that they were being sent south in large numbers. He further stated that any one who wanted slaves could always purchase them by leaving an order in Louisville.²⁹ This opinion was expressed at a time when the non-importation act of 1833 had been in force for sixteen years, which meant that Kentucky was producing slaves faster than she needed them. It was only two months after this that Richard Henry Collins in an editorial in the *Maysville Eagle* gave a flagrant example of a slave trader in Kentucky who violated the spirit as well as the letter of the law. But the sentiment of the people on the slave dealer had been expressed much earlier. In 1833 a Lexington editor felt exasperated because of the appearance of a large group of slaves in the streets of the city on their way to be sold south. When another trader appeared with his Negro slaves held together with a chain he voiced his wrath in this fashion:

"A few weeks ago we gave an account of a company of men, women and children, part of them manacled, passing through the streets. Last week, a number of slaves were driven through the main street of our city, among them were a number manacled together, two abreast, all connected by, and supporting, a heavy iron chain, which extended the whole length of the line."³⁰

About the same time a citizen of Danville sold a Negro woman to a regular slave trader. The news spread around the town rapidly and to save himself from the threats of the gathering mob the owner was compelled for his own safety to follow the slave dealer and repurchase the woman at a decided increase in price.³¹

²⁹ *Louisville Weekly Journal*, September 26, 1849.

³⁰ *Lexington Western Luminary*, June 5, 1833.

³¹ Blanchard and Rice, *Debates on Slavery*, p. 133.

It is very difficult to find out how many slave dealers there were in the State, for few of them ever came out in the open and advertised their trade. As would be expected from its size and situation Louisville was the place where the dealer could ply his trade to the best advantage. It was the central business point and the port from which most slaves from Kentucky were shipped down the Ohio and Mississippi. There is no mention in the newspapers of any dealers there before the year 1845. Thereafter there were several who advertised for any number of slaves and made no secret of the purpose of purchase. In the *Journal* for October 29, 1845, William Kelly called for all persons who had slaves to sell to see him and offered them the highest prices. He further stated that he had slaves for sale. His name does not often appear in succeeding years. During the next decade there were four regular dealers who apparently did considerable business: T. Arterburn, J. Arterburn, William F. Talbott, and Thomas Powell. Later John Mattingly came upon the scene presumably from St. Louis. In July, 1845, the Arterburn brothers began a series of advertisements which ran for several years. "We wish to purchase 100 negroes for the Southern market, for which we will pay the highest prices in cash."³² Talbott began his publicity in 1848 with these words: "The subscriber wishes to purchase 100 negroes, for which he will pay the highest cash prices. Can always be found at the Louisville Hotel."³³ Two years later he was still advertising, but had ceased placing any limit on the number to be bought and had moved his quarters to the Hotel O'Rain.³⁴ Thomas Powell also began in 1848 with this stock phraseology—"Persons having negroes for sale can find a purchaser at the highest cash prices by calling on the subscriber, on Sixth Street, between Main and Market, adjoining H. Duncan's stable."³⁵ This advertisement ran continually for a period

³² *Louisville Weekly Journal*, July 30, 1845.

³³ *Ibid.*, July 19, 1848.

³⁴ *Ibid.*, August 14, 1850.

³⁵ *Ibid.*, August 2, 1848.

of two years. John Mattingly evidently came from Missouri in the same year, and remained until 1852, when he returned to St. Louis to ply his trade.⁸⁶ While he was in Louisville he ran an advertisement in the *Journal* after this fashion: "The undersigned wishes to purchase 100 negroes both men and women, for which he will pay the highest cash prices. Those who have negroes for sale would do well to call on him at the Galt House."⁸⁷

It is noticeable that none of the Louisville directories for this period mention any slave dealers. This failure may have been due merely to the fact that there were so few traders in the city and that they were more or less transient residents. On the other hand, public opinion apparently never acknowledged that there were any real citizens of the city engaged in the slave trade. Beginning in 1840 the *Louisville Journal* published a weekly paper called *Louisville Prices Current*. In 1855 this was succeeded by the *Commercial Review and Louisville Prices Current*, which was published by the Louisville Chamber of Commerce. These two papers devoted themselves exclusively to the commercial transactions of the city and gave price quotations weekly for every conceivable kind of goods in the market together with the volume of sales. Strange to say, there has not been found a single issue of either of these papers, which mentions the selling price of slaves or any transaction in Negroes. If there was a trade in slaves which was regarded purely as a commercial enterprise, as some would have us think, then it is very hard to understand why these splendid trade papers did not contain any account of the business.

There were some Louisville business men who bought and sold slaves as only one of the branches of their commercial activities. This would account to some extent for the failure to list traders in the local directories for it is noticeable that such men never called themselves slave dealers. As early as the year 1825 John Stickney estab-

⁸⁶ *St. Louis Daily Times*, October 14, 1852.

⁸⁷ *Louisville Daily Journal*, November 23, 1848.

lished the *Louisville Intelligence Office* on Main Street, which was a sort of labor and real estate exchange. He advertised that he sold books; had money to loan; houses for rent and sale; horses and Negroes for sale and hire; carriages for sale; conducted a labor exchange, and recommended the best boarding houses.³⁸ A year later J. C. Gentry opened the "Western Horse Market" at the corner of Market and Fourth Streets. He advertised that he conducted a livery stable, and also sold on commission, at public or private sale, horses, carriages, cattle, wagons and slaves; and that he would conduct an auction on Wednesdays and Saturdays.³⁹ A similar case was that of A. C. Scott, who in 1854 opened a real estate and land office but who stated in the press that he not only bought and sold land and rented houses but that he would sell and hire slaves.⁴⁰ Consequently Scott was listed as a real estate and land agent in the local directories. It is impossible to determine how many of these occasional slave dealers there were, but in so far as available material shows these three were the only ones to announce their trade publicly.

It would appear from all the evidence at hand that while Kentucky furnished many slaves for the southern market there was no general internal slave trade, as a commercial enterprise. There were in Louisville, however, a few heartless business men who took advantage of the decreasing value of slave labor in Kentucky and the rising prices of slaves in the far South. In this respect, Kentucky became a field of supply for the slave markets of the lower South.

Unfortunately there are no statistics available by which the number of slaves sent south can be computed. The most comprehensive anti-slavery publication on the internal slave trade was unable to decide with certainty what proportion of slaves for the southern market was furnished by each of the so-called breeding States. The author of *Slavery and Internal Slave Trade in the United States*

³⁸ *Louisville Public Advertiser*, November 2, 1825.

³⁹ *Ibid.*, September 13, 1826.

⁴⁰ *Louisville Daily Times*, March 1, 1854.

estimated that 80,000 slaves were annually exported from seven States to the South. He gave no figures that were not his own estimates. He ranked the seven States, however, in the order of the number of slaves which he thought they furnished as follows: Virginia, Maryland, North Carolina, Kentucky, Tennessee, Missouri and Delaware.⁴¹

Martin estimates that Kentucky sent on the average about 5,000 slaves to the southern market.⁴² Again this must be considered purely conjectural. It is reasonable to suppose that during the last two decades of the slavery era there were few slaves imported into Kentucky that were intended for the purely Kentucky market. What Negroes came into Kentucky were for the most part on their way to the more profitable southern trade. The average death rate among the slaves during this period was 1.9 per one hundred and the birth rate was 3.2, or an excess of births over deaths of 1.1 per hundred. This would make the annual natural increase among the slave population about 2,000 per year. Comparing this with the growth of the slave group from 1840 to 1850 we find that the increase of slaves was much more. But it was during the next decade that the slave trade reached its height and here we find that the slave population increased 14,502, whereas the natural increase during that period should have been 23,190. Hence the slaves failed to reach even their natural increase by a deficiency of 8,688. Taken literally that would mean that during the ten-year period that number of slaves were exported from Kentucky. But it is reasonable to suppose that many more than that were sent to the South. With the exception of the last decade, however, the slave population of Kentucky increased faster than the mere natural increase of the Negroes. The law would not permit of any importation of slaves intended for Kentucky, so the export of purely Kentucky slaves appears never to have been prominent except during the decade from 1850 to 1860.

The selling price of slaves naturally presents itself at

⁴¹ *Slavery and Internal Slave Trade in the U. S.*, p. 12.

⁴² Martin, Asa E., *Anti-Slavery Movement in Kentucky*, p. 89.

this point. In Kentucky these records are very few because the tax books in practically all the counties of the State have been destroyed. We have no accurate statements extant before about the year 1855. The prices which we have obtained are quotations from the auction of slaves of estates to settle the interests of the heirs. On January court day, in 1855, there were sold in the settlement of estates in Bourbon, Fayette, Clark and Franklin Counties Negro men who brought \$1,260, \$1,175, \$1,070, \$1,378, \$1,295, \$1,015 and \$1,505.⁴³ The county commissioner of Harrison auctioned the slaves of the deceased George Kirkpatrick with the following prices received:

America	40 years	of age	} all for	\$1,600
Peggy	6 years	of age		
Eliza	4 years	of age		
Brown	6 months	of age		
Peter	23 years	of age		\$1,290
Emanuel	24 years	of age		750
Tom	16 years	of age		1,015
Ann	14 years	of age		775
Emma	12 years	of age		865
Sarah	26 years	of age		350 ⁴⁴

The county commissioner at Henderson received the following prices for slaves in the settlement of several estates on January 28, 1858:⁴⁵

Ruth	33 years	of age	\$ 800
Willis	59 years	of age	475
George	35 years	of age	1,200
Delphy	80 years	of age	75
Leila	65 years	of age	282
Clarissa	24 years	of age	1,131
Andrew	19 years	of age	1,500
Susan	17 years	of age	470
Jennie	17 years	of age	1,100
Cupid	85 years	of age	74
Eliza	32 years	of age	500
Bell	41 years	of age	1,000

⁴³ Collins, *History of Kentucky*, Vol. 1, p. 74.

⁴⁴ *Cynthiana News*, January 10, 1858.

⁴⁵ *Henderson Weekly Commercial*, January 29, 1858.

This sale is most significant for the cases of "Delphy," 80 years old, and "Cupid," 85 years of age. It is difficult to account for such a sale in any discussion of the slave trade, but it does show the humanitarian side of Kentucky slavery. Negroes at such an age had no economic value even if they were given away, because the expense of their maintenance was more than the value of any possible labor they could perform.

At Georgetown in December of the same year we have this record:⁴⁶

Griffin	45 years of age	\$ 640
Mary	14 years of age	1,060
Ellen	12 years of age	800
Elizabeth	11 years of age	406 (one-eyed)
Sanford	9 years of age	700
Arabel	10 years of age	690
Adam	41 years of age	700
Bettie	3 years of age	260
Aaron	29 years of age	1,191
Sam	25 years of age	1,350.

The auction of the slaves of the estate of Spencer C. Graves at Lexington in April, 1859, brought these prices:⁴⁷

John	18 years of age	\$1,500
Dick	21 years of age	1,400
Jerry	38 years of age	700
Major	50 years of age	480
Charles	31 years of age	1,155
John Jr.	18 years of age	1,140
Billy	31 years of age	1,100
Isabella	40 years, with 3 children, ages 11, 5 and 2	1,610
Rebecca	30 years, with 3 children, ages 11, 6 and 4	2,410
Lucy	18 years of age, with infant..	1,280
Davidella	31 years of age	1,220
Mary Ann	31 years of age	835
Patience	18 years of age	1,350
Catharine	15 years of age	1,130

Such a series of prices would show beyond a reasonable

⁴⁶ *Georgetown Gazette*, December 23, 1858.

⁴⁷ *Weekly Free South* (Newport), April 29, 1859.

doubt that the value of slaves was determined entirely by the increasing demand for slaves in the lower South and was in no way an indication of the value of slave labor within Kentucky. As was pointed out earlier in this chapter, the labor value of an agricultural slave in the State steadily decreased after about the year 1830.

Was slavery profitable to the Kentucky planters? In the many debates on the slavery question which took place after 1830 no one ever stood out in the affirmative. The only ones to discuss the economic side of the issue were those in opposition to slavery. As has often been said of the Kentucky situation, "the program was to use negroes to raise corn to feed hogs to feed negroes, who raised more corn to feed more hogs." Tobacco was the largest crop raised in the State and corn came next. Neither proved to be peculiarly adapted to slave labor. There were few large plantations in the State where it could be made advantageous. What Negro work there was to be done was never confined to any particular kind of cultivation but was used in the manner of farm labor today in the State. Squire Turner, of Madison County, in the Constitutional Convention of 1849 made a careful summary of the existing economic problems of slavery. "There are," said he, "about \$61,000,000 worth of slave property in the state which produces less than three per cent profit on the capital invested, or about half as much as the moneyed capital would yield. There are about 200,000 slaves in Kentucky. Of these about seventy-five per cent are superannuated, sick, women in unfit condition for labor, and infants unable to work, who yield no profit. Show me a man that has forty or fifty slaves on his estate, and if there are ten out of that number who are available and valuable, it is as much as you can expect. But my calculation allows you to have seventy-five per cent who are barely able to maintain themselves, to pay for their own clothing, fuel, house room and doctor's bills. Is there any gentleman who has a large number of slaves, who will say that they are any more profitable than that?"⁴⁸

⁴⁸ Debates of the Convention of 1849, p. 73.

No one in the convention answered the last question put by Squire Turner. But regardless of such an economic condition, not a single piece of remedial legislation was passed and the members of the Constitutional Convention added a provision to the Bill of Rights which rooted the slavery system firmer than ever. That most admirable of all southern characters, and at the same time the most difficult to understand, the Kentucky master, took little heed of a question of dollars and cents when it interfered with his moral and humanitarian sentiments. He had inherited, in most cases, the slaves that were his. He knew well enough that the system did not pay but supposing that he should turn his slaves loose, what would become of them? What could they do for a living? The experience of later years proved that his apparently obstinate temperament was mixed with a good deal of wisdom, for once the slaves were set free their status was not to any great extent ameliorated if they went abroad from the plantation where they had lived from childhood.

There was a certain amount of profit in the labor of able-bodied slaves but they only represented a fraction of the Negroes whom the master was called upon to support. The law compelled the owner to maintain his old and helpless slaves and this represented the spirit of the large majority of the slaveholders. Those were rare cases indeed when an owner was haled into court for failing to provide for an infirm member of his slave household. The true Kentuckian never begrudged the expense that such support incurred. One of the ablest lawyers of the State, Benjamin Hardin, made the statement that "if it were not for supporting my slaves, I would never go near a courthouse."⁴⁹

Rev. Stuart Robinson, speaking before the Kentucky Colonization Society in 1849, gave another viewpoint of the economic value of the slave. "The increase of slaves in Kentucky," said he, "has hardly reached three thousand annually for eighteen years past. The increase since 1840 has been 27,653—the increase for the year just closed 2,921.

⁴⁹ Little, L. P., *Ben Hardin, his Times and Contemporaries*, p. 544.

In twenty-six counties, embracing one fourth of the slave population—some of them the largest slave-holding counties—there has been an actual decrease in the last year of 881 slaves. In twelve other counties the increase has been only twenty-three. There are ten counties in the State, which contain one third of all the slave population of Kentucky; in these ten counties, the increase of slaves for five years past has been 2,728—an increase of less than one per cent per annum. Nor is this slow increase of slavery to be attributed to any stagnation or decline of public prosperity, for in the meantime the state has been growing in population and wealth as heretofore. During these five years the taxable property of the Commonwealth has increased in value more than seventy-six millions. Now this decrease of slaves while the other property of the commonwealth is increasing must arise from one of three causes—and in either case the inference is the same as to the fate of slavery in Kentucky. (1) Is it because the climate is unhealthy to the African? If so then African labor cannot continue. (2) Is it owing to emigration? Then something is wrong in the system of labor, that causes the emigration of our people—for no finer soil—no more desirable residence can be found in the world. (3) Or is it owing to the domestic slave trade? Then for some reason slave labor is less profitable here than elsewhere, and must soon be given up.”⁵⁰

These figures quoted by the speaker on the slave population for year by year are available in the auditor's tax books for the years 1840 to 1859:⁵¹

1840	164,817	1847	189,549	1854	200,181
1841	168,853	1848	192,470	1855	202,790
1842	171,035	1849	195,110	1856	201,160
1843	176,107	1850	196,847	1857	201,590
1844	178,837	1851	196,336	1858	207,559
1845	182,742	1852	200,867	1859	208,625
1846	185,582	1853	200,015		

⁵⁰ *Presbyterian Herald*, April 12, 1849.

⁵¹ *Collected Documents*, 1847, pp. 581-583; 1853, pp. 401-403; 1860, pp. 241-246.

The very small growth shown here would barely account for the natural increase among the slaves by virtue of the high birth rate. The mortality rates were about the same for slaves as for whites. The relative decline was undoubtedly due to the rising prices for slaves which were sent to the South and the consequent decreasing value of a slave's labor to the Kentuckian. He knew beyond a doubt that the time would eventually come when he would have to part with his slave and that portion of the holders who were not averse to selling their chattels did so during this period.

CHAPTER III

THE LEGAL STATUS OF SLAVERY

Slavery in its more economic form naturally spread to the Kentucky district as the western frontier of Virginia became settled. Of the 293,427 slaves which were held in the State of Virginia in the year 1790, however, only 11,830 were in the district of Kentucky, which at that time had a total population of 73,077. Few thought, however, of disputing the rights of the institution in the newly created State. The final convention which met to form a constitution was held at Danville, beginning on April 2, 1792, and in the course of its proceedings it was apparent that there was no fundamental division among the delegates regarding any of the proposed provisions with the exception of the one dealing with slavery. Virginia had stipulated in giving permission for the formation of the new State that slavery as an established institution should not be disturbed, and this policy had the support of a majority of the members of the constitutional convention. George Nichols, a native of the Old Dominion, was the leader of the assembly and had charge of most of the work which was done and naturally was most interested in carrying out the wishes of his native State in the formation of the new document. The only serious opponent was David Rice, a noted Presbyterian minister, but, having resigned on April 11, he was not present at the time when the slavery issue came up for final settlement.

A separate vote was taken on Article IX, the slavery section, which passed 26 to 19. It was finally provided that

The legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money, for the slaves emancipated; they shall have no power

to prevent immigrants to this state, from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this state: that they shall pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a charge to the county in which they reside; they shall have full power to prevent slaves from being brought into this state as merchandise; they shall have full power to prevent any slave being brought into this state from a foreign country, and to prevent those from being brought into this state, who have been since the first of January, 1789, or may hereafter be imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothes and provisions, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of their owner or owners.¹

In any discussion of the slavery question in Kentucky in its historical aspects this article of the first constitution is fundamental. It is evident that even at that early day the difficulty of the slavery problem was already in the minds of the people in spite of many other apparently more pressing issues. The article itself remained practically intact throughout the existence of slavery in the State. Were there ever in later years gathered within the confines of the State any body of men who had a better grasp of the future? The single instance of the recommendation that the legislature should pass laws permitting the emancipation of slaves only under the provision that they should be guaranteed from becoming a public charge to the county shows the comprehension of a difficulty that could not at such an early date have developed to any great degree, but which in later decades was a formidable problem. We may well say with John Mason Brown, however, that "the system of slavery thus contemplated was designed to be as

¹ *Littell's Laws*, 1: 32.

mild, as human, and as much protected from traffic evils as possible, but it was to be emphatically perpetual, for no emancipation could be had without the assent of each particular owner of each individual slave."²

The session of the State assembly which met in November, 1792, only attempted to carry out the constitutional provision prohibiting commercial transactions with slaves. No person was permitted to buy of, or sell to, any slave, any manner of thing whatsoever without a written permit descriptive of the article under the penalty of four times the value of the thing bought or sold. The jurisdiction of such cases was given to the county court, if they concerned values of more than five pounds. The slave was to receive ten lashes, which by the standards of those days was a meager punishment for any offense.³ Whenever possible the slave was not brought into consideration as an offender. The theory seems to have been that the slave was better off when left alone. It was only when some unscrupulous outsider came in to use the slave either as a victim or as an object of profit that it was necessary to draw the strings tighter on the Negro, not because of any inherent tendency to crime so much as to keep the slave from becoming unruly when in the power of a superior influence.

It was not until the session of 1798 that the legislature drew up the fundamental slave code which was to carry out all the recommendations of the constitutional convention and which remained the basis of all legal action throughout the entire period of slavery. Among the early acts of the State had been the temporary adoption of the statutes of Virginia on the treatment of slaves and slavery problems, which were then in force.⁴ These remained as a slave code for Kentucky until the enactment in 1798 of these new laws, which contained forty-three articles and involved almost every question that could come up for legal consideration in connection with the institution. The experience of six

² Brown, John Mason, *The Political Beginnings of Kentucky*, p. 229.

³ *Littell's Laws*, 1: 44.

⁴ *Ibid.*, 1: 161.

years as a separate State had served to show that many existing provisions of the Virginia code were not readily adapted to the rapidly growing State, and then too there was a decided tendency to ameliorate the condition of the slave as much as possible. In Kentucky they were not then, at least, confronted with such a large mass of slaves that they could not meet problems in a much easier manner than in the Old Dominion.

In the beginning, it was naturally found necessary to place some restrictions on the slave and his movements. He was not allowed to leave his master's plantation without written permission and if he did go away, any person could apprehend the offender and take him before a justice of the peace, who was empowered to order the infliction of stripes at his discretion. Furthermore, he was not to wander off to any other plantation without the written permission of his owner, with the provision in this instance that he was not to be taken before a justice of the peace, but before his owner, who was entitled to inflict ten lashes upon the offender. Should the slave be found carrying any powder, shot, a gun, club, or any weapon he could be apprehended by any free person and taken before a justice and a much severer penalty exacted in the form of thirty-nine lashes, "well laid on, on the bare back."⁵ It is clear that this law was drawn up to keep the slave from becoming a public menace and not as a sign of absolute restriction on the servant, for it was further provided in Section 6 that in case the slave lived in a frontier community he could go to the local justice of the peace and secure a permit to keep and use guns, powder, shot and other weapons for either offensive or defensive purposes. This permission was to be indorsed by any free Negro, mulatto or Indian and did not necessarily involve the approval of the owner of the slave.

It was declared unlawful for slaves to engage in riots, unlawful assemblies, in trespasses or in seditious speech and, if so accused, they were to be taken before the local justice

⁵ *Littell's Laws*, 2: 113.

who was to punish them at his discretion. But the Negroes themselves were not to be considered as the only guilty ones. In order to prevent any such disorderly meetings no owner of slaves was to be allowed to permit any slave not belonging to him to remain on his plantation for more than four hours at any one time under a nominal penalty to such owner of \$2; but, if he allowed more than five such slaves to assemble on his property, he was to be fined more severely. If such a group were brought together by the written permission of the owner and for business reasons, however, there was involved no offense whatever.⁶ It was realized that oftentimes the chief leaders in the unlawful meetings of slaves were free Negroes and sympathetic whites. Were any such to be found present they were to be arrested and if found guilty when tried before a justice of the peace, should be fined 15 shillings, to be paid, not to the court, but to the informer and if the money was not forthcoming the court was to have twenty lashes inflicted—no matter whether the convicted be white or black. Inasmuch as the degree of punishment of the slaves for being present at such a meeting was not specified it would seem that the legislature meant that the free persons involved should be treated more severely than slaves by the court.

The law of 1792 regarding trading with slaves had not proved to be effective, for in many cases the owner for a stipulated wage paid by the slave had permitted him to go at large and engage in trade as if he were a free man. The legislature found that this encouraged the slaves to commit thefts and engage in various evil practices and naturally censured the owner. A fine of \$50 was to be paid by the master for each offending slave and no punishment whatever was to be given the latter. But should the servant go so far as to hire himself out, he would be imprisoned by order of the court and, at the next session of the county court, he would be sold. One fourth of the money thus received was to be applied to the county funds and 5 per cent was to be given to the sheriff and the owner was to

⁶ *Littell's Laws*, 2: 114.

receive the remaining 70 per cent. Here too the slave was not punished and his condition of servitude was not changed. It was merely a change of owners. Again the offending owner was the victim and for his carelessness he was deprived of 30 per cent of the money value of his slave.⁷

The leading Kentucky case bearing on slaves engaged in trade is that of *Bryant vs. Sheely* (5 Dana, 530). Five of the main points are worth mentioning here:

1. To buy or receive any article from a slave, without the consent of his master, in writing, specifying the article, is a highly penal offense.

2. A sale made by a slave, without such written consent, is void, and does not divest the master of his property; he may sue for, and recover it; or he may waive his right to the specific thing, affirm the sale, and recover the price or value, if it was not paid to the slave.

3. A general permission to a slave to go at large and trade for himself as a free man, is contrary to public policy, and a violation of a penal statute. The owner or master of a slave could maintain no action for any claim acquired by a slave while acting under such illegal license.

4. But a slave may be permitted by his master to buy or sell particular articles, and any form of consent or permission given by the master, or his assent after the fact, will give validity to the sale—though the purchaser may be liable to the penalty, if the consent be not in writing.

5. A slave, being authorized by his master to sell any particular thing, becomes the agent of his master for that purpose; and from the authority to sell, an authority to transfer the property, and to fix and receive the price must be inferred; but the slave cannot exercise or receive an authority to maintain any action in relation to it; the right of action for the price belongs to the master, and if he sues, that fact itself is sufficient evidence that he authorized or approved and confirmed the sale.

Unlike the more southerly States, Kentucky did not leave the slave helpless in the courts. If a slave were charged with a capital crime he was brought before the court of quarter sessions, which was composed of the various county

⁷ *Littell's Laws*, 2: 116-117.

justices of the peace. They were to constitute a court of oyer and terminer. But they alone were not to decide the fate of the Negro, for the sheriff was required to empanel a jury of twelve men from among the bystanders, who were to constitute the trial jury. It was explicitly stated that legal evidence in such a case would be the confession of the offender, the oath of one or more credible witnesses, or such testimony of Negroes, mulattoes, or Indians as should seem convincing to the court. When a slave was called upon to testify in such a case, the court, the witness "not being a Christian," found it necessary to administer the following charge that he might be under the greater obligation to declare the truth: "You are brought hither as a witness, and by the direction of the law I am to tell you, before you give your evidence, that you must tell the truth and nothing but the truth, and that if it be found hereafter that you tell a lie, and give false testimony in this matter, you must, for so doing, receive thirty-nine lashes on your bare back, well laid on, at the common whipping post."⁸

Section 22 of the law of 1798 provided that the master or owner of any slave might appear in court at a trial of his servant and "make what just defense he can for such slave." The only restriction was that such defense should not interfere with the form of the trial. Naturally the liberally disposed slaveholders interpreted this to mean that they could employ counsel to defend their Negroes and it remained a disputed question down to 1806, when the legislature made the provisions more specific. By this new law it was provided that it was not only the privilege but the duty of the owner of a slave who was being prosecuted to employ an attorney to defend him. The owner neglecting to do so the court must assign counsel to defend the slave and the costs thereby incurred were to be charged to the owner. The fee for defense was not to exceed \$200 and if not forthcoming the court was empowered to recover the amount in the manner of any other debt of similar amount.

⁸ *Littell's Laws*, 2: 117-118.

It was plainly the intention of the legislature to provide a just trial for any slave, for they even went so far as to enact that the lawyer appointed by the court for the prisoner should "defend such slave as in cases of free persons prosecuted for felony by the laws of this state."⁹

When the slave was convicted of an offense which was punishable by death but which was within the benefit of clergy the capital penalty was not pronounced, but the offender was burnt in the hand or inflicted with any other corporal penalty at the discretion of the court. Should the criminal be sentenced to suffer death, thirty days were to elapse before the execution, except where it was a case of conspiracy, insurrection or rebellion. When the court had decided to sentence the slave to the death penalty a valuation of the Negro was made. This statement was to be turned over to the State auditor of public accounts who was required to issue a warrant on the treasury for the amount in favor of the owner of the convicted party. The owner on his part was to turn over to the treasurer the certificate of the clerk of the court showing that the slave had been condemned and the statement of the sheriff that the offender had been executed or had died before execution.¹⁰

This matter of the payment to the owner of the value of the executed slave appears never to have been questioned to any extent even by the abolitionists in the legislature until the session of 1830 when a bill was introduced for the repeal of the law. The bill was lost but in the course of the debate it was stated that while Kentucky contained over 160,000 slaves only about one fifth of the tax-paying whites were slaveholders and that \$68,000 had already been paid out of the State treasury as indemnity for slaves executed. After the defeat of this bill there was offered a substitute which proposed that a tax of one fourth of one per cent should be levied upon the value of all slaves in the State for the creation of a fund out of which to make such disbursements, but this was likewise lost.¹¹

⁹ *Littell's Laws*, 3: 403.

¹⁰ *Ibid.*, 2: 117-118.

¹¹ *Niles' Register*, February 2, 1830.

Until 1811 there were no special enactments on slave crimes and their punishments. The court had, therefore, more or less range in the exactment of penalties but the legislature of 1811 passed during the first fortnight of its session a specific law governing slave crimes. Only four offenses were to be regarded as punishable by death: (1) conspiracy and rebellion, (2) administering poison with intent to kill, (3) voluntary manslaughter and (4) rape of a white woman. If any slaves were to be found guilty of consulting or advising the murder of any one, every such consultation was to constitute an offense and be punishable by any number of stripes not exceeding one hundred.¹²

As time went on the list of capital crimes was increased as a natural result of the growth of the slave population and their growing state of unrest after the incoming of the anti-slavery propaganda. By the close of the slavery era in Kentucky there were eleven offenses for which slaves should suffer death: (1) murder, (2) arson, (3) rape of a white woman, (4) robbery, (5) burglary, (6) conspiracy, (7) administering poison with intent to kill, (8) manslaughter, (9) attempting to commit rape on a white woman, (10) shooting at a white person with intent to kill, and (11) wounding a white person with intent to kill. It will readily be seen that from a practical standpoint these eleven offenses can be narrowed down to eight. The severity of the slave code can be shown by comparison of the capital crimes for white persons at the same time. These were four in number, (1) murder, (2) carnal abuse of a female under ten years of age, (3) wilful burning of the penitentiary and (4) being an accessory to the fact.¹³

Virginia had early enacted that slaves should be considered as real estate in the settlement of inheritances. But the growing tendency to look upon the slaves in all things else as personal chattels led to such legal and popular confusion that the Virginia assembly often observed that they were "real estate in some respects, personal in others, and

¹² *Littell's Laws*, 4: 223-224.

¹³ Stroud, *Laws relating to Slavery*, p. 86.

Littell & Swigert, 2: 1066-9; 1060-4.

both in others." Regardless of such legal complexity it was not until 1793 that it was enacted that "all negro and mulatto slaves in all courts of judicature shall be held and adjudged to be personal estate."

In drawing up the slave code of 1798 Kentucky disregarded the legal experience of Virginia and her more recent remedial legislation and enacted that "all negro, mulatto or Indian slaves, in all courts of judicature and other places within this commonwealth, shall be held, taken and adjudged to be real estate, and shall descend to the heirs and widows of persons departing this life, as lands are directed to descend." It was further provided, however, that "all such slaves shall be liable to the payment of debts, and may be taken by execution for that end, as other chattels, or personal estate may be."¹⁴

Such a law coupled with the legal precedents of Virginia served to intensify the mixed property conception of the slave. The confusion, however, was purely legal, for slaves were held in all other respects as personalty; but in cases of inheritance and the probation of wills the Kentucky Court of Appeals was often called upon to define clearly the legal status of the Negro in bondage. The first important decision was handed down in 1824 in the case of Chinn and wife *vs.* Respass, in which it was pointed out that while slaves were by law made real estate for the purpose of descent and dower, yet they had in law many of the attributes of personal estate. They would pass by a nuncupative will, and lands would not; they could be limited in a grant or devise no otherwise than personal chattels; and personal actions might be brought to recover the possession of them.

¹⁴ It would perhaps be well to point out here the general common-law difference between the treatment of real and personal estate in a will. The title of the personal property of the deceased is vested in the executor and he holds it for the payment of debts and distribution according to the will of the testator. On the other hand the real estate vests in the devisees or heirs and does not go to the administrator, unless by statute enactment, which was in part true in Kentucky, in the case above, where the slaves, although real estate, were held liable for the debts of their master. *Littell's Laws*, 2: 120.

Furthermore "they were in their nature personal estate, being moveable property, and as such might attend the person of the proprietor wherever he went; and in practice they were so considered by the people in general."¹⁵

Conversely, the court was often called upon to interpret the phrase "personal estate" in wills and contracts, where it appeared without any other restrictive expression or provision, and it consistently held that the term should be construed as embracing slaves.¹⁶ Gradually the personal property conception began to secure even legal precedence over that of real estate when the two interpretations came into close conflict. This was accomplished by placing more stress on the proviso in the original slave code, which placed slaves in the hands of the administrator as assets for the payment of debts. This led to increasing power for the executor who could even defeat the title of the heirs, though the property may have been specifically devised. Hence it was not surprising that in the Revised Statutes of 1852 it was provided that slaves should thereafter be deemed and held as personal estate. Coming after all doubt of the personalty of slaves had been removed by the decisions of the highest tribunal in the State, this law meant little more than the repeal of the old statute making slaves real estate.

The wonder is that Kentucky should have chosen to hold to an antiquated legal conception for fifty years after Virginia had proved its fallacy by her experience in the eighteenth century. While it did little harm, it had few advantages. The existence of the theory was chiefly noticeable in the frequent legal battles over technicalities in the settlement of estates. In the popular mind slaves were always considered personal property, and the spirit of the slave code itself embodied that conception as regarded all things save the question of inheritance.

With respect to the liberty of the slaves the code of

¹⁵ *T. B. Monroe's Report I.*, 23.

¹⁶ *Beatty vs. Judy*, 1 Dana, 101.

Plumpton vs. Cook, 2 A. K. Marshall, 450.

1798 clearly shows that the existing type of slavery was purely rural, for the restrictions on slaves concerned only the plantation Negroes. Strictly understood, the slave was not to leave the farm of his owner without a pass from his master, the main purpose being to keep the Negroes from congregating on any one farm. Later when emissaries from the North became unusually active the rights and privileges of the slaves were further restricted. This change was due to the current belief that these foreign individuals were bent upon stirring up strife among the slaves and inciting them to insurrection. Once started such a scheme would have resulted in anarchy especially in the towns. The real curbing provisions were not started until along in the thirties when these outside forces had begun to make their appearance in the urban communities.¹⁷

In some parts of the State were instituted mounted patrols, who went about at night and watched the movement of slaves. They were to apprehend any servant who was caught away from his home plantation without a pass from his master.¹⁸ Such an institution was based on good Negro psychology, for his fear of the spirits of night was well known. Citizens of that time have told us many tales of the dread which the slave had of meeting these night raiders whom they termed "patter-rollers" and how they came to sing of them in true Negro fashion:

Over the fence and through the paster,
Run, nigger, run, oh, run a little faster,
Run, nigger, run,
The patter-roller ketch you.

Such a system of county patrols did not prove to be sufficient as the slave population grew and the towns became larger and more attractive to the country slave. The legislature of 1834 in drawing up a law concerning tavern keepers had this problem clearly in mind when they provided that no person should sell, give or loan any spirituous liquors to

¹⁷ Rothert, *History of Muhlenburg County*, p. 343.

¹⁸ Young, B. H., *History of Jessamine County*, p. 89.

slaves, other than his own, under a penalty of \$10 for each offense. Furthermore, if the offender was a licensed liquor dealer, he should have his license taken away from him for the term of two years.¹⁹ That even this measure did not prove effective enough to curb the evil of Negroes congregating in the towns is shown by the further provision passed March 6, 1850, to increase the fine to \$50 for each offense.²⁰ A still further extension was that of February 27, 1856, which provided that free Negroes were to be included in the restriction unless they presented a certificate from "some white person of respectable character." No slaves or free Negroes were to be employed in the selling or distribution of liquor nor were they to be allowed to visit or even loaf around any place where intoxicants were kept for sale.²¹ The session of 1858 made the force of the law more explicit by defining very clearly the jurisdiction in such cases.²²

Not only the State authorities but the towns as well were active in the measures adopted to meet the growing problem. The best available sample of the many provisions which the town councils drew up is this one which was passed by the trustees of Henderson in 1840:

It shall be and is hereby made, the duty of the Town Sergeant or either of his assistants, to punish with any number of lashes not exceeding ten, all or any negro slave or slaves who may be found in any grog shop, grocery or other place where spirituous liquors are retailed in said town, or who may be found on the streets of said town after ten o'clock at night, unless it shall appear to the said Town Sergeant, or assistant, that said negro slave or slaves, are acting under the orders of his, her or their master or mistress, and it shall further be the duty of the Town Sergeant, or either of his assistants, to enter into any grog shop, grocery or other place where spirituous liquors are retailed, in said town, whenever he shall be informed that any negro slave or slaves are collected therein. Provided, said Town Sergeant, or assistant, can enter the same peaceably and without force.²³

¹⁹ Session Laws, 1834, p. 726.

²⁰ *Ibid.*, 1850, p. 51.

²¹ *Ibid.*, 1856, Vol. 1, pp. 42-44.

²² *Ibid.*, 1858, Vol. 1, pp. 47-48.

²³ Starling, p. 290.

This town regulation offers perhaps another proof of the oft-repeated statement regarding the slave laws of Kentucky that while they appeared severe on the statute books they were always mild in the enforcement. The regulation of the movement of slaves in the towns was always subject to the local conditions. Beginning about 1850 there was a growing feeling in some of the more thickly populated sections of the State that the type of Negro slave who sought to frequent the village saloons would sooner or later start an insurrection. But no such uprising ever occurred and the fear of such seems to have been due to the current animosity towards the activities of the abolitionists, which was prevalent throughout the State.

In the course of time it was considered necessary to treat more seriously also the importation of slaves. The advisability of preventing the importation of bondmen had been foreseen in Kentucky from the experience of the mother State of Virginia which had enacted a stringent law in 1778 imposing a penalty of one thousand pounds and the forfeiture of the slave upon the importer of any into that commonwealth. The ninth article of the Kentucky Constitution of 1792 had provided that the legislature "shall have full power to prevent slaves being brought into this commonwealth as merchandise; they shall have full power to prevent any slave being brought into this state from a foreign country, and to prevent those from being brought into this state, who have been since the first of January, 1789, or may hereafter be imported into any of the United States from a foreign country."²⁴

The session of the State assembly in 1794 drew up a law concerning the importation and emancipation of slaves but it was largely a mere modification of the law of the State of Virginia. It was not until the adoption of the slave code of 1798 that the question was firmly settled by a more definite statement. By article 25 of that act it was provided "that no slave or slaves shall be imported into this state

²⁴ *Littell's Laws*, 1: 32.

from any foreign country, nor shall any slave who has been imported into the United States from any foreign country since the first day of January, 1789, or may hereafter be imported into the United States from any foreign country under the penalty of \$300."

This was merely carrying out the provisions of the constitution. Section 26 provided that "no slave or slaves shall be imported into this state as merchandise, and any person offending herein, shall forfeit and pay the sum of \$300 for each slave so imported, to be recovered by action of debt or information, in any court having cognizance of the same, one half to the prosecutor, the other half to the use of the commonwealth." More significant was the proviso that "this act shall not extend to prevent any citizen of this state bringing for his own use, provided, they have not been brought into the United States from any foreign country since January 1, 1789; nor shall it be construed to prevent persons emigrating to this state bringing their slaves with them, but either a citizen of this state or persons emigrating to this state may bring slaves not prohibited by this act."²⁵

An act of 1814 amended the above by prohibiting the importation of slaves by any of the emigrants if they did not intend to settle in Kentucky.²⁶ An attempt was made by a law of February 8, 1815, to remedy some of the defects which had been found. The legal penalty for importation was increased to \$600 for each slave imported and a fine of \$200 was added for every person buying or selling such slave. No indictment was to be subject to a shorter limitation than five years and once so accused no person was to be discharged or acquitted unless he could produce evidence to show that within sixty days of his arrival in Kentucky he had deposited the following oath, duly signed, in the county clerk's office where he resides: "I,, do swear that my removal to the state of Kentucky was with the intention of becoming

²⁵ *Littell's Laws*, 2: 119.

²⁶ *Ibid.*, 5: 293.

a citizen thereof, and that I have brought no slave or slaves to this state, with the intention of selling them.'²⁷

It is evident from all contemporary discussions of the question of importation that it was the firm conviction that in order to do justice to the slave and the institution as a whole within the State it was necessary to prevent the infusion of any foreign slave element. Once such a policy had been carried out to a successful conclusion, they would have been confronted only with a purely domestic type of slavery and its increase. With such an ideal condition, for those times, the institution eventually would have been easily handled. But these early lawmakers, while no doubt honest in their intentions, did not have the wisdom that was tempered with experience, and the unscrupulous slave traders found further defects in the law and took advantage of them. A careful examination of the law of 1794, the codification of 1798, and the amendments of 1814 and 1815 will show that the whole theory of non-importation is summed up in the word *intent*. It was the intent with which the slaves were introduced, and to this alone the penalty attached. They were not to be imported as merchandise but every citizen could import slaves for his own use. Once these slaves were within the State there was no penalty provided if they were sold. There was nothing to prevent a man from selling what slaves he had imported and later going without the confines of the State and bringing in more. If he were brought before the court, he would claim that he had not intended to sell them when they were brought in, and no one could place a penalty on his intentions. It seems that there were other violators of the spirit of the law, who never sold any of the slaves but brought them into the State in large numbers and then hired them out for such long terms as 99 years.²⁸ The fundamental idea of the law had been to place a curb on the increase of the slave population by importation and these acts were in direct opposition to the intention of the enactments.

²⁷ *Ibid.*, 5: 435-437.

²⁸ Barre, W. L., *Speeches and Writings of Thomas F. Marshall*, p. 115.

An index of the inefficiency of the existing provisions regarding importation can be found in the figures on the growth of the slave population during this period when it is borne in mind that legally slaves could not be imported, except for personal use, after the year 1794. The slave population in 1790 had been 11,830 and by 1800 had increased to 40,343 or at the rate of 241.02 per cent; in 1810 there were 80,561 slaves or an increase of 99.69 per cent; in 1820 there were 126,732, a gain of 57.31 per cent; and by 1830 they had increased 30.36 per cent to a total of 165,213. During the same period there was a great increase in the white population but it was always from 20 per cent to 40 per cent below that of the slaves. It appears that the law prohibiting importation was not as effective as it should have been. While none of the statesmen appear to have figured from the statistical viewpoint there was no end of discussion regarding the necessity of extending the law to include more than the question of intent at the time of importation.

The avowed resolution of Kentucky to deal with the slavery question in the most humane manner and to stop any unscrupulous dealing in slaves for the mere sake of profit is nowhere more clearly shown than in the firm action which was taken not only in the court room but in the legislative halls when it was found that advantage had been taken of the letter of the law at the expense of its spirit. On February 2, 1833, the legislature passed a law prohibiting all importation of slaves even for personal use. The only exception provided in this case was that emigrants were allowed to bring in slaves, if they took the oath that had been provided in the law of 1815. The evil mentioned above brought about by hiring slaves for excessively long terms was prohibited by declaring illegal any contract which extended beyond one year and exacting a penalty of \$600 for each offense. This law of 1833 was destined to be the crux of many a heated argument for the remainder of the slavery period. Many a candidate for office during the

next thirty years rose to victory or fell in defeat because of his position with regard to this one statute of the State. It was the briefest of all the enactments on the slavery question but it was by far the most important and far-reaching provision that the legislature ever enacted in connection with the institution.²⁹

It is noticeable that this measure was not brought about in any sense by the activities of the abolitionists, for they had not at that time made their appearance in the State. It was an honest endeavor on the part of the native population, slaveholding as well as non-slaveholding, to carry out the spirit of their State constitution which had been adopted back in 1792. Thomas F. Marshall, who later was the leader of the Lexington group which removed Cassius M. Clay's *True American* to Cincinnati, has borne testimony to the fact that the slaveholding element voted for the law of 1833. "At the time of the passage of this law," said he, "the sect known by the title of 'abolitionists' had not made their appearance. And, as I was sworn then upon the constitution of my country, by all the obligations of that oath, I affirm now that I do not believe that the principles and designs ascribed to that party were in the contemplation of any human being who voted for the law. I was myself not only never an abolitionist, but never an emancipationist upon any plan which I ever heard proposed."³⁰

But the question was not settled for all time, for with the coming of the abolitionist element there was a general tendency throughout the State to enact stricter laws governing slaves. Many who had voted for the enactment began to cry for a repeal of the law, but it was not until the session of 1841 that it was seriously debated in the general assembly.

²⁹ Section 1 of the law 1833 read: "Each and every person or persons who shall hereafter import into this state any slave or slaves, or who shall sell or buy, or contract for the sale or purchase, for a longer term than one year, of the service of any such slave or slaves, knowing the same to have been imported, shall forfeit and pay \$600 for each slave so imported, sold, or bought, or whose service has been so contracted for; recoverable by indictment of a grand jury or any action of debt, in the name of the Commonwealth in any circuit court, where the offenders may be found." Session Laws, 1833, pp. 258-261.

³⁰ Barre, W. L., p. 116.

Then after a long and ardent discussion in the House of Representatives a vote was taken on the ninth of January—with 34 in favor of the repeal and 53 against it. Never within the previous decade had a bill before the House produced such popular interest.³¹ It came up in the Senate at the session of 1843 but after another warm debate it failed by a vote of 14 to 21. Sentiment for the repeal continued to grow and in 1849 the law was amended so as “no longer to prohibit persons from purchasing and bringing into the State slaves for their own use.”³² This changed the situation back to what it was before 1833, for it will be recalled that the main feature of the law of 1833 compared with that of 1815 was the prohibition of importation even for personal use. It could easily have been predicted that such an amendment would pass, for the legislature of 1847 had passed 27 distinct resolutions granting to as many individuals the right to import slaves for personal use. The session of 1848 made 24 similar provisions.

This apparently radical swing towards the side of the slave owner in 1849 was more than likely brought about by the very intense campaign which was carried on by the emancipationists. Such a movement served to unite the slave forces against any attack upon the institution. This tendency was shown not only in the halls of the State legislature but in the constitutional convention which met later in the same year. Although the abolitionists had looked forward to some advanced constitutional provisions on emancipation and the inclusion of the law of 1833 in the organic law of the State they were astounded to be met with the virtual repeal of that statute by the legislature. On the other hand the constitutional convention not only rejected bodily all the reform measures but added to the Bill of Rights this extraordinary amendment: “The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatsoever.”

³¹ *Niles' Register*, January 23, 1841.

³² Collins, Vol. 1, p. 83.

The slave trader once more had the courage to appear in the State. Richard Henry Collins in an editorial in the *Maysville Eagle*, November 6, 1849, gives us some vivid evidence of the effect which the repeal of the law of 1833 had had in a few weeks' time. "A remarkably forcible and practical argument in favor of incorporating the negro law of 1833 into the new constitution reached this city in bodily shape on Sunday, per the steamer *Herman* from Charleston, Virginia. Forty-four negroes—men, women and children—of whom seventeen men had handcuffs on one hand and were chained together, two and two, passed through this city for the interior of the State, under charge of two regular traders. We opine that few who saw the spectacle would hereafter say aught against the readoption of the anti-importation act of 1833." Such scenes as this were the result of the passage of an innocent-looking measure which allowed citizens to import slaves for their own use, but which could really be made to include almost any influx of slaves.

No further change in the importation laws was made until the crisis immediately preceding the Civil War, when practically all opposition was removed and the law of 1833 was abolished in its entirety.³³ Explanations of the sudden turn of mind are not hard to find for the enactment was passed amid the turmoil and chaos brought on by an impending war and the radical slaveholders found it easy to get votes for their side in a last vain endeavor to save the institution, not so much from an economic standpoint as from a matter of principle. The last chapter in the legal history of the importation problem in Kentucky, however, had not yet been written. After three years of the armed conflict between the North and the South, Kentucky, which had remained loyal to the Union and fought against the slave power of the South, reenacted on February 2, 1864, the old law of 1798 on the prohibition of the importation of slaves.³⁴ The wording was somewhat different, but the

³³ Session Laws, 1860, Vol. 1, p. 104.

³⁴ *Ibid.*, 1864, pp. 70-72.

essential provisions were the same. Coming at such a time, it never had any significance in the slavery problem in the State, but it is interesting as one of the last vain efforts of the institution before it was mustered out of the State by an amendment to the federal constitution, which was passed without the assent of the State legislature of Kentucky.

No less serious than the question of importation was the problem of the fugitive slave. This has been treated many times and every discussion of it has involved much of what transpired in Kentucky or on its borders. It is not the purpose here to repeat any of that story because it belongs rather to the anti-slavery field, and, furthermore, has been recently very well treated by A. E. Martin in his *Anti-slavery Movement in Kentucky*. We are here concerned with the legal phase of the fugitive problem as it existed in Kentucky throughout this period, as an internal question; in the relation between the State and other States; and between the State and the federal authorities. In so far as it relates to the law within the State such a discussion naturally divides itself into two phases—those measures which affected the fugitive slave himself, and those which were directed towards conspirators who might have brought about the escape of slaves. The former group of laws were enacted, for the most part, in the early days of statehood, for a runaway slave was a natural evil in any condition of servitude. The latter group of measures were passed in the later days of the institution when the anti-slavery propagandists came in from the North, for until then there were no cases of enticement. A large majority of those who were placed on trial for conspiracy in the history of slavery in Kentucky proved to be outsiders who had come into the State after 1835. The citizens of the commonwealth who were opposed to the institution were satisfied to confine themselves to mere words advocating the emancipation of slaves.

The State early adopted the slave code of Virginia in regard to the treatment of runaway slaves just as it did in

regard to the general legal rights of the bonded Negro but provided more drastic regulations in 1798. Any person who suspected a Negro of being a runaway slave could take him before a justice of the peace, and swear to his belief in the guilt of the accused. Being provided with a certificate from the justice where he found the slave, the apprehender could then take the fugitive back to the owner and might collect ten shillings as a reward and an additional shilling for each mile of travel necessary in bringing the slave to the master. If the money should not be paid, the person entitled to it could recover the sum in any court of record in the State upon the production of his certificate of apprehension as legal evidence.³⁵

In many cases the runaway could not be identified as the property of any particular owner, so provision was made for the commitment of the offender to the county jail. The keeper was forthwith to post a bulletin on the courthouse with a complete description of the Negro. If at the end of two months no claimant appeared the sheriff was to publish an advertisement in the *Lexington Gazette* for three consecutive months so that the news of capture would reach a larger public. In the meantime the sheriff was authorized to hire out the fugitive and the wages thus received were to pay for the reward of the captor and the expenses incurred by the county officials. If the owner appeared during the period and proved his property, he could have the slave at once in spite of any labor contract, providing he would pay any excess of expenses over wages received. But often the master never appeared and if a year had expired since the last advertisement had been published in the *Gazette*, the sheriff could sell the slave and place the proceeds of the sale plus the wages received over the expenses, in the county treasury. This sum was credited to the unknown owner, for if he should appear at any future time the county would reimburse him for his loss, otherwise the fund reverted to the county.³⁶

³⁵ *Littell's Laws*, 2: 5-6.

³⁶ *Ibid.*, 2: 5-6.

This legal code for the apprehension of runaway slaves remained practically unchanged throughout the period of slavery. The only amendments which were ever made were those for the increase of the reward to the captor and it is significant that the first of these changes did not come until more than a generation later in 1835. Then the compensation was divided into three classes: for those captured in their own county, \$10; in another county, \$20; out of the State, \$30.³⁷ Just three years later it was found necessary to increase this by the following interesting law: "The compensation for apprehending fugitive slaves taken without this commonwealth, and in a State where slavery is not tolerated by law, shall be one hundred dollars, on the delivery to the owner at his residence within this commonwealth, and seventy-five dollars if lodged in the jail of any county in this commonwealth, and the owner be notified so as to be able to reclaim the slave."³⁸ There were no more advances until a law of March 3, 1860, increased the reward to one hundred and fifty dollars if the slave were caught outside the State and brought back to the home county; one hundred and twenty-five dollars if caught outside the State and brought back to any county in Kentucky; and twenty dollars if caught anywhere in the home county.

The trend of these laws, from the viewpoint of the rewards alone, shows the increasing importance of the fugitive problem to the slaveholding group. It is noticeable that from the year 1798 until 1835 there was not sufficient pressure upon the State legislature to increase the reward to the captor of a runaway. It is further evident from the scarcity of contemporary advertisements that there were comparatively few Negroes who ventured forth from the neighborhood of their masters. But with the rise of the anti-slavery movement in the North and the growth of abolition sentiment as expressed by the apostles of Negro freedom who had come from across the Ohio, the slaves tended to run away in ever-increasing numbers. This was soon

³⁷ *Session Laws*, 1835, pp. 82-83.

³⁸ *Ibid.*, 1838, p. 158.

followed by a more rigid policy of apprehension upon the part of the Kentucky legal authorities, apparent in the increasing reward.

Not all cases of fugitives were to be reached by a mere system of capture and reward. Rarely did a slave make his escape into a free State without the aid of some one in sympathy with him. Hence the need for legal machinery to punish those who assisted runaways. From a chronological point of view the laws governing such cases divide themselves into two parts; in the early days they refer to those who would help a slave who had already escaped; in the later period they were directed towards those who induced slaves to leave their home plantations.

Whichever of the free States he tried to reach it was necessary for the Negro to cross the Ohio River to get to his haven of refuge. If the Kentucky authorities could prevent him from crossing the stream on the northern and western boundary, they could prevent any slave from making a successful escape. Consequently the legislature as early as 1823 attempted to solve the problem by passing a law forbidding masters of vessels and others from employing and removing Negroes out of the State.³⁹ This act prevented runaways from securing work on a steamboat with the specific purpose of leaving once they were on free soil. But as usual this enactment was not effective, because there was a loop-hole in it. The State assembly in 1831, therefore, provided that no ferryman on the Ohio River should transport slaves across from Kentucky. No other person, not owning or keeping a ferry, was to be permitted to set slaves over, or to loan them boats or watercraft. Slaves could only cross the river when they had the written consent of their masters. Each and every owner of a ferry was required to give bond in the sum of \$3,000 to carry out the spirit of the law; and for every violation he was subject to a fine of \$200.⁴⁰

³⁹ Session Laws, 1823, p. 178.

⁴⁰ *Ibid.*, 1831-2, pp. 54-55.

Not content with their previous efforts the general assembly of 1838 went still further and prohibited slaves from going as passengers on mail stages or coaches anywhere within the State, except upon the written request of their owners, or in the master's company. The liability for the enforcement of the law rested upon the stage proprietors, who were to be fined \$100 for each slave illegally transported.⁴¹

No stringent laws were made against the enticement of slaves to run away until 1830 when the abolitionists first began to appear. Until that time there seems to have been no need for any legal enactment regarding the question. The only trouble previously had been with the whites and free Negroes who aided a slave already on his way to the North. It was in response to the popular demand that on January 28, 1830, the State legislature provided severe penalties for any person found guilty of (1) enticing a slave to leave his owner, (2) furnishing a forged paper of freedom, (3) assisting a slave to escape out of the State, (4) enticing a slave to run away, or (5) concealing a runaway slave. Should a person be suspected of any one of these offenses and not be found guilty, he was to give security for his good behavior to avoid all accusation in the future.⁴²

The most interesting legal case based on this law was that of Delia Webster, a young lady from Vermont, who was tried in the Fayette Circuit Court in December, 1844, for the enticement of a Negro slave boy from Lexington. The details of the trial show that the court was just and fair in spite of the fact that both Miss Webster and her copartner, Calvin Fairbank, were not citizens of the State and had furthermore used all kinds of deceit to accomplish their purpose. For the sake of aiding one Negro slave boy to reach freedom they went to the expense and trouble to feign an elopement to Ohio via Maysville, but the Lexington authorities caught them as they were coming back on the Lexington Pike near Paris. At the trial it was shown

⁴¹ *Session Laws*, 1838, p. 155.

⁴² *Ibid.*, 1830, pp. 173-175.

that Fairbank was in Kentucky for no other reason than to induce slaves to escape to the North and that Miss Webster had come to Lexington as a school teacher merely as a cloak for her abolitionist work. The evidence offered by the prosecution was damaging in the extreme. The defense put forth no data for her side at all, evidently preferring to be hailed as a martyr to the cause for which she stood. The jury brought in a verdict of guilty and she was sentenced to serve two years in the State penitentiary.⁴³

The young accomplice, Calvin Fairbank, proved to be the most persistent abolitionist the Kentucky authorities ever encountered. He pleaded guilty to the indictment as charged and was sentenced to serve 15 years in the penitentiary, to which he was taken February 18, 1845. Evidently convinced that he had been punished sufficiently Governor John J. Crittenden pardoned him August 23, 1849, on condition that he leave the State at once.⁴⁴ But such an ardent young enthusiast for the cause of Negro freedom soon found that there were other slaves who were in need of his aid and on November 3, 1851, he came across from Jeffersonville to Louisville under the cover of night and "kidnapped" a young mulatto woman who had been doorned to be sold at auction.⁴⁵ Presumably in the hope of rescuing other slaves he remained in the vicinity for several days until on the morning of November 9 he was arrested by the Kentucky authorities. Fairbank was placed in jail pending his trial, which took place in the following March, when he was again sentenced to serve 15 years at hard labor in the State penitentiary. He began his term March 9, 1852.⁴⁶ This time he was not so fortunate in an early release. The chief executives of the State from time to time refused to pardon him. In April, 1864, Governor Bramlette was called to Washington by President Lincoln for a

⁴³ *Western Law Journal*, 2: 232-235 (best report of the trial).

Niles' Register, December 21, 1844.

Webster, Delia A., *Kentucky Jurisprudence*, pp. 1-84.

⁴⁴ Fairbank, *How the Way was Prepared*, pp. 53, 57.

⁴⁵ *Ibid.*, p. 85.

⁴⁶ *Ibid.*, p. 103.

conference and Richard T. Jacobs, the Lieutenant-Governor, became the acting Governor. This son-in-law of Thomas H. Benton had taken more or less pity on Fairbank, for he had stated to the prisoner that if he ever became the chief executive he would release him. The opportunity thus being presented for the first time, Jacob pardoned Fairbank on April 15, 1864, after a continuous imprisonment of twelve years. Such was the experience in Kentucky of an ardent northern abolitionist who boasted that he had "liberated forty-seven slaves from hell."⁴⁷

The systematic stealing of slaves from Kentucky had begun about 1841 and at the time of the Webster and Fairbank trial was at its height. This movement was one of the results growing out of the animosity created by another legal case which occurred in 1838—that of the Rev. John B. Mahan of Brown County, Ohio. This Methodist minister, although living in the State of Ohio, was indicted by the grand jury of Mason County, Kentucky, for having aided in the escape of certain slaves. Governor Clark, of Kentucky, then issued a requisition on the Governor of Ohio for Mahan as a "fugitive from justice." Upon receipt of the demand, the chief executive of Ohio immediately issued a warrant for the arrest of the minister. A short time later he became convinced that this step had been too hasty, because Mahan had never been in Kentucky. His offense had merely consisted in helping runaways along the "underground railroad," once they were on free soil.

Hence, Governor Vance sent a special messenger to the chief executive of Kentucky redemanding the alleged fugitive from justice. Governor Clark made this very cordial and diplomatic reply:

The position assumed by you in relation to the fact of Mahan having never been within the limits of Kentucky is clearly correct, and if upon the legal investigation of the case it be found true, he will doubtless be acquitted. I feel great solicitude that this citizen of your state, who has been arrested and brought to Kentucky,

⁴⁷ Fairbank, pp. 144, 149.

upon my requisition, shall receive ample and full justice, and that, if upon legal investigation he be found innocent of the crime alleged against him, he shall be released and set at liberty. I will, therefore, address a letter to the judge and commonwealth attorney of the Mason Circuit, communicating to them the substance of your letter, and the evidence which you have transmitted to me.⁴⁸

The efforts of the Governor of Ohio were eventually successful, for in spite of his slaveholding sympathies Governor Clark wrote to the judge of the Mason Circuit and the latter charged the jury in no uncertain terms regarding the jurisdiction in the case. After a trial of six days Mahan was acquitted.

The importance of this case does not rest in the trial and its events but rather in the reactions which it had upon the Kentucky populace. No one doubted that Mahan was guilty of aiding slaves; but it was seen that he had been shrewd enough to confine his activities to the State of Ohio, where the Kentucky authorities had no jurisdiction. In his opening message to the State legislature, which met the next month after the acquittal of Mahan, Governor Clark voiced the sentiment of a large majority of Kentuckians. Bear in mind that these words came from the same man who a month before had advised the Circuit judge of the illegality of the Mahan indictment.

Some of the abolitionists of an adjoining state, not contented with the mere promulgation of opinions and views calculated to excite a feeling of disaffection among our slave population, and to render this description of property insecure in the hands of its proprietors, have extended their operations so far as to mingle personally with our slaves, to enter into arrangements with them, and to afford them the means and facilities to escape from their owners. This flagitious conduct is not to be tolerated—it must be checked in its origin by the adoption of efficient and energetic measures, or it will, in all human probability, lead to results greatly to be deprecated by every friend to law and order. This demon-like spirit that rages uncontrolled by law, or sense of moral right, must be

⁴⁸ *American Anti-slavery Society Report*, 1839, p. 90.

overcome—it must be subdued; its action in the state should be prohibited under such penalties as will effectually curb its lawlessness and disarm its power.⁴⁹

In pursuance of this and similar recommendations the State legislature early in 1839 despatched a delegation of members to the general assembly of Ohio then meeting at Columbus. These men were charged to secure a law in Ohio for the better security of Kentucky fugitive slave property. The Kentucky officials had always been confronted with the problem of recovering runaways captured in Ohio, even when they personally knew the captive. The old law of 1807 in Ohio was never lax in the enforcement, but the plea of habeas corpus was habitually used for the defendant and, furthermore, it often happened that the necessary proofs of ownership were not in evidence. These facts coupled with the publicity of the Mahan trial brought about the peculiar legislative commission from Kentucky.

Here was a delegation from a slave commonwealth sent to a free State to demand a rigorous fugitive slave law for their own benefit. The Kentucky committee went even further and suggested the provisions of the proposed enactment—and the remarkable thing was that they actually succeeded. Although Ohio was known to be the home of anti-slavery interests the law passed without any difficulty. By its provisions a slave owner or his agent could appear before any judge, justice or mayor, who was authorized to issue a warrant to any sheriff in Ohio calling upon him to arrest the fugitive and bring him before any judge in the county where caught. Upon proof of his ownership to the court the owner was entitled to a certificate for removal. A heavy fine and imprisonment were the penalty for any interference with the execution of either the warrant or the removal of the slave. The vote on this measure in the House of Representatives was 53 to 15. There has been made an analysis of this roll call, which shows that the opposition all came from northern Ohio—whereas those in

⁴⁹ *American Anti-slavery Society Report, 1839, pp. 93-94.*

the southern part of the State voted for it because they were not inclined to allow any disturbance of the friendly commercial relationship which they had with their neighbor State to the south. Moreover, they objected to their locality being used as a place of refuge for unfortunate Negroes.⁵⁰

Henceforth Ohio became a veritable hunting ground for fugitive slaves, but the wiser of the Negroes and the abolitionists diverted their efforts to other fields of escape, especially through Indiana and Illinois. The legal authorities at this time began to realize that their hope lay in the enactment of a federal law but no definite steps were taken until after the affair of Francis Troutman at Marshall, Michigan, in January, 1847. Troutman came from Kentucky to Michigan to bring back six runaways that had been located at Marshall. When he had found them and was about to take them before a magistrate for identification, a crowd of citizens of the town put in their appearance and threatened injury to Troutman and his three Kentucky companions. Although the latter were acting in accordance with the law the mob would not let them proceed in any manner—not even to appear before the magistrate—but demanded that they leave town within two hours. In the meantime they were all four arrested, tried and found guilty of trespass.⁵¹ When these events were reported back to Kentucky mass meetings were held throughout the State in protest against the Michigan action. The State legislature drew up a resolution calling upon Congress to enact a new fugitive slave law.⁵² The Senate referred the petition to the Committee on Judiciary and they later reported a new fugitive slave bill which was read twice and then pigeonholed. The same action was repeated at the next session in 1849.

The general feeling in Kentucky was intensified just at this time by a decision of the United States Supreme Court in the case of *Jones vs. Van Zandt*, which had been pending in various courts for five years. In April, 1842, John Van

⁵⁰ Chaddock, F. E., *Ohio before 1850*, p. 86.

⁵¹ McMaster, *History of the United States*, Vol. 7: 262-263.

⁵² Senate Document No. 19, 30th Congress, 1st Session.

Zandt, a former Kentuckian, then living in Springdale just north of Cincinnati, was caught in the act of aiding nine fugitive slaves to escape, and one of them got away even from the slave catchers. Consequently Wharton Jones, the Kentucky owner, brought suit against Van Zandt in the U. S. Circuit Court under the federal fugitive slave act of 1793 for \$500 for concealing and harboring a fugitive slave. The jury returned a verdict for the plaintiff in the sum of \$1,200 as damages on two other counts in addition to the penalty of \$500 for concealing and harboring. Salmon P. Chase was the lawyer for Van Zandt and in a violent attack on the law 1793 he appealed to the U. S. Supreme Court on the grounds that this statute was repugnant to the Constitution of the United States and to the sixth article of the Ordinance of 1787. Van Zandt in the appeal had the advantage of the services of William H. Seward in addition to Chase while Jones was represented by Senator Morehead, of Kentucky. Justice Levi Woodbury in rendering the decision of the court sustained all the judgments against Van Zandt and denied that the law of 1793 was opposed to either the Constitution or the Ordinance of 1787.⁵³

At last the people of Kentucky had secured a firm ruling from the highest judicial authority on the force of the existing laws. Cold reason in the light of that day, apart from all anti-slavery propaganda, justified them in making these demands. Henceforth, there was no doubt about the legality of their position—it was a question merely of the illegal opposition to the return of fugitives from the States to the North. The Troutman case and many others, however, had served as an index of northern sentiment in the matter, for the troubles of the Kentucky slaveholder were just beginning. A year later, in 1848, a requisition was issued on the Governor of Ohio for the return of fifteen persons charged with aiding in the escape of slaves. Imagine the feeling in Kentucky when Governor Bell of Ohio positively refused to give these persons up, stating that the laws of

⁵³ 5 Howard's Reports, 215-232.

Ohio did not recognize man as property. It was apparently a political move on his part, for there was no question of the property conception of slavery involved whatsoever. He acted in direct opposition to the laws of his State enacted in 1839 and to the federal fugitive slave law of 1793.

After two decades of struggle the abolitionists had come into their own and it was almost impossible to recover slaves who had run away in spite of the legal machinery that had been set up. Furthermore, the more extreme abolitionists had disregarded all law, orders and rights of private property and had even gone so far as to proclaim that there was a "higher law than the Constitution." Against such a powerful foe the forces of all parties in Kentucky united in a firm stand, demanding more stringent measures. The Supreme Court had decided that the existing law was sufficient to recover fugitives and to demand and secure damages for the interference with that right. With the coming of new conditions, however, it was realized on all sides that new and most extreme measures were necessary.

The existing circumstances are well shown by the attitude of Henry Clay, senator from Kentucky as well as author of the Compromise of 1850. Noted for his leanings towards the North, throughout his public career of more than half a century, and as far back as 1798 the advocate of gradual emancipation in Kentucky, he felt called upon in this crisis to express the irritation of his own people:

I have very little doubt, indeed, that the extent of loss to the state of Kentucky, in consequence of the escape of her slaves is greater, at least in proportion to the total number of slaves that are held within that commonwealth, even than in Virginia. I know full well, and so does the honorable senator from Ohio know, that it is at the utmost hazard and insecurity to life itself, that a Kentuckian can cross the river and go into the interior to take back his fugitive slave from whence he fled. Recently an example occurred even in the city of Cincinnati in respect to one of our most respectable citizens. Not having visited Ohio at all, but Covington, on the opposite side of the river, a little slave of his escaped

over to Cincinnati. He pursued it; he found it in the house in which it was concealed; he took it out, and it was rescued by the violence and force of a negro mob from his possession—the police of the city standing by, and either unwilling or unable to afford the assistance which was requisite to enable him to recover his property.

Upon this subject I do think that we have just and serious cause of complaint against the free states. I think they fail in fulfilling a great obligation, and the failure is precisely upon one of those subjects which in its nature is the most irritating and inflaming to those who live in the slave states.⁵⁴

The Fugitive Slave Law of 1793 was superseded by that of 1850 by a sort of political bargaining on the other measures of the Compromise. The letter of the new law was not much different from the one of 1793—the chief changes being in the exaction of severer penalties and the transfer of jurisdiction to the federal courts. But even if members from the North did vote for the new provision there was no public sentiment in the North back of its enforcement. Everyone in Kentucky was heartily in favor of it, but that mattered little. The effectiveness of any fugitive slave law depended upon the spirit in which it was met in the North, for it was there that the law was to be applied. It remained for a more or less forgotten decision of the Supreme Court in 1861 to show the greatest weakness of all laws for the recovery of runaway slaves in the North.

In October, 1859, the Woodford County (Kentucky) grand jury returned an indictment against Willis Lago, a free Negro, charging him with the seduction and enticement of Charlotte, a Negro slave, from her owner, C. W. Nickols. A copy of this indictment certified and authenticated according to the federal law was presented to the Governor of Ohio by the authorized agent of the Governor of Kentucky and the arrest and delivery of the fugitive from justice demanded. The Governor of Ohio referred the matter to the Attorney-General of the State and upon his

⁵⁴ Colton, Reed and McKinley, *Works of Henry Clay*, Vol. 3: 329.

advice the chief executive refused to deliver up the Negro. The Supreme Court having original jurisdiction in suits between two States, the demand for a mandamus to compel the Governor of Ohio to deliver Lago to the Kentucky authorities was heard by that body in a suit under the title of *Kentucky vs. Dennison* (the Governor of Ohio). The decision of the court was rendered by Chief Justice Taney and it contained five important statements: (1) "It was the duty of the executive authority of Ohio upon the demand made by the Governor of Kentucky, and the production of the indictment, duly certified to cause Lago to be delivered up to the agent of the Governor of Kentucky, who was appointed to demand and receive him." (2) "The duty of the Governor of Ohio was merely ministerial, and he had no right to exercise any discretionary power as to the nature or character of the crime charged in the indictment." (3) "The word 'duty' in the act of 1793 means the moral obligation of the state to perform the compact, in the Constitution, when Congress had, by that act, regulated the mode in which the duty should be performed." (4) "But Congress cannot coerce a state officer, as such, to perform any duty by act of Congress. The state officer may perform if he thinks proper, and it may be a moral duty to perform it. But if he refuses, no law of Congress can compel him." (5) "The Governor of Ohio cannot, through the judiciary or any other department of the general government, be compelled to deliver up Lago; and upon that ground only this motion for a mandamus is overruled."⁵⁵

This decision came as a fitting climax to the legal history of the fugitive slave problem as it concerned Kentucky. Such an interpretation placed by the highest judicial authority upon an act of Congress which had stood throughout the slavery era in Kentucky showed beyond any doubt whatever that the legal battle over slavery questions was at an end. If any solution was to be found in the future it would not be in the legislative halls nor in the court room.

⁵⁵ 24 Howard's Reports, 109-110.

Emancipation was an important question closely connected with that of the fugitive. This was one of the problems to be discussed in the Constitutional Convention of 1792. There were some few members who were in favor of immediate liberation and others inclined towards a scheme of gradual release of the Negro from bondage. But, as has been shown in the early part of this chapter, the group in favor of the existing institution easily dominated the convention and drew up the famous article IX, which remained without change throughout the slavery era as a part of the fundamental constitutional law. It is significant that it was provided that the legislature should have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money, for the slaves so emancipated: that the legislature should not pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a charge to the counties in which they resided.

From a purely objective viewpoint it is doubtful if a fairer legal guide for the institution of slavery in relation to the rights of emancipation could have been drawn up. On one side, it prevented the State authorities from depriving a slaveholder of his property without due compensation. On the other hand, no unscrupulous master was to free his old and invalid slaves and thereby inflict the burden of their support upon the community as a whole. But this constitutional provision had no legal force in itself. It was to serve as a guide for the enactment of statute laws later.

The State assembly on December 17, 1794, proceeded to the enactment of the first emancipation law of the State. The contents of Article IX of the Constitution were carefully followed and the detailed legal code of emancipation laid down in these words:

It shall be lawful for any person by his or her last will and testament, or by any other instrument in writing, under his or her

hand and seal, attested and proved in the county court by two witnesses, or acknowledged by the party in the court of the county where he or she resides, to emancipate or set free his or her slave or slaves: who shall thereupon be entirely and fully discharged from the performance of any contract entered into during servitude, and enjoy as full freedom as if they had been born free. And the said court shall have full power to demand bond and sufficient security of the emancipator, his or her executors or administrators, as the case may be, for the maintenance of any slave or slaves that may be aged or infirm, either of body or mind, to prevent their becoming chargeable to the county. And every slave so emancipated shall have a certificate of freedom from the clerk of such court on parchment with the county seal affixed thereto, for which the clerk shall charge the emancipator five shillings; saving, however, the rights of creditors and every person or persons, bodies politic and corporate, except the heirs or legal representatives of the person so emancipating their slaves.⁵⁶

This law remained throughout the slavery period in Kentucky and the only changes which were ever made in it were in the minor details to untangle some legal ambiguities. The law of 1823, however, is important in showing the discrepancies of the original provisions. By this amendment it was enacted that when the county courts received proof or acknowledgment of a deed of emancipation, or of a will emancipating slaves, they were to note on their record a description of any such slaves. The certificate of freedom which was given to the Negro was also to contain this description and no other certificate was to be issued except on the presentation of proof that the first one had been lost or when such was required for use as evidence in some suit. If any slave thus liberated was found to have presented his certificate to another still held in bondage with a design of freeing him, the emancipated slave was to suffer severe penalties.⁵⁷ These added provisions apparently came to fill all the gaps in the previous law and no further amendments of importance were needed to make the laws of emancipation run smoothly.

⁵⁶ *Littell's Laws*, 2: 246-247.

⁵⁷ *Session Laws*, 1823, p. 563.

Of all the many slavery cases which were brought before the Court of Appeals in the next thirty years it is interesting to note that nearly all of them concerned themselves more or less with the question of freedom. The very fact that they reached the highest court is also conclusive evidence that the law was not quite as clear as one would at first suppose. Close study of the findings of the court will show that the judiciary was always consistent in its interpretation of the law and that most of the cases were carried up from the lower courts because of disputes between the heirs of an estate and the administrator as to their precedence in the matter of slaves. This part of the controversy concerned itself with the property conception of the slave, whether he was real or personal estate, which was discussed earlier in this chapter. The purely emancipation cases before the Court of Appeals divide themselves into three parts: (1) those which concerned the interpretation of the statute law, (2) those suits for freedom which were based on the question of residence and (3) those which involved persons detained as slaves.

Most of the first class of cases concerned themselves with the emancipation of slaves by will. The number of slaveholders who freed their Negroes during their own lifetime seems to have been very small. On the other hand, from a study of the slave cases in court it appears to have been a very common thing for an owner to provide for the freedom of his slaves in his will. The right of a master to dispose of his own property was beyond dispute, but, as is often the case, the heirs were seldom satisfied and they brought the will into court on one or more technical grounds in an attempt to break the document which freed so much valuable property. The court in every case held that the right of the owner was absolute and that if by the letter of his will his slaves were freed, that right was subject to no dispute. Furthermore, when the Negroes were thus emancipated they did not pass to the personal representatives of the deceased, as assets. They passed by will just as land, and the devise took effect at the death of the

testator, whether it be a devise to the slave, of his freedom, or of the slave, to another. The servant, thus affected, had only to appear before the county court and establish his emancipation. This accomplished, it was the duty of the court to give him a certificate of freedom without the consent of the representatives of the emancipator.⁵⁸ The right of disposal rested with the owner, who could emancipate by act, or by will, and he who denied the right or placed any claim against it was compelled to show the prohibition.⁵⁹

While the owner had absolute powers of disposal of his own slaves he could not draw up a will of prospective freedom which would hold in spite of the rights of his heirs. If a master desired to be very lenient with his servants, he had to make their freedom absolute and in writing. This was well brought out in the case of an apparently kind-hearted Kentucky slaveholder who provided in his will that his slaves were to select their own master without regard to price. They chose as their future owner a man who did not need them, but who offered to take them at about half their real value. The court held that in such a case the executor was not bound to accept the offer, since the interests of those entitled to the proceeds of the sale, as well as the desire and comfort of the slaves, were to be regarded.⁶⁰ Another owner had the right idea, but defeated his own intentions by willing all his forty slaves to the Kentucky Colonization Society. The court held that such an act by no means freed the slaves and that by the laws of the State until they were free they could be hired out and the proceeds considered as a part of the estate.⁶¹

As in all border States there were many legal battles for freedom, which involved the question of residence on free soil. These cases were largely concerned with the question of the right of a citizen of Kentucky to pass through a free State on business or pleasure attended by his slaves or

⁵⁸ *Black vs. Meaux*, 4 Dana, 189.

⁵⁹ *Susan vs. Ladd*, 6 Dana, 30.

⁶⁰ *Hopkins vs. Morgan's executor*, 3 Dana, 17.

⁶¹ *Isaac et al. vs. Graves' executor*, 16 Ben Monroe, 365.

servants without losing his right of ownership over such slaves. The principle involved was early considered in the Kentucky Court of Appeals and faithfully carried out in succeeding generations, viz.: that a "fixed residence" or being domiciled in a non-slaveholding State would operate to release the slave from the power of the master; but that the transient passing or sojourning therein had no such effect. In an early case in 1820 involving a suit for freedom the court held that a person of color from Kentucky who was permitted to reside in a free State could prosecute his right to freedom in any other State. It was held to be a vested right to freedom, which existed wherever he went.⁶² In another instance an owner permitted his slave to go at large for twenty years, but the court held that that alone did not give him freedom. Still under this liberty of movement the slave went off into a free State to reside and the court held that the Negro was then free because his right grew out of the law of the free State and not out of that in which the owner resided.⁶³ An owner permitted his slave to go to Pennsylvania and remain there for a longer period than six months, with a knowledge of the law passed in that State in 1780, and the Kentucky Court of Appeals held that the slave was entitled to his freedom and that even if the slave had returned to Kentucky his right could be asserted there just as well as in Pennsylvania.⁶⁴ But should a slave go with his master to a free State and later return to Kentucky with him, whatever status he had then was to be determined by the law of Kentucky and not by the rule of any State where the slave might have been.⁶⁵ The fact that a slave stayed in New York for three months before his return to Kentucky, his owner knowing he was there, and making no effort to bring him away, did not give to such slave a right to freedom.⁶⁶ A slaveholder sent one of his

⁶² Rankin vs. Lydia, 2 A. K. Marshall, 467.

⁶³ 15 Ben Monroe, 328.

⁶⁴ 14 *Ibid.*, 355.

⁶⁵ 12 *Ibid.*, 542.

⁶⁶ 4 Metcalfe, 231.

servants over into Illinois to cut some wood for a few weeks and later the latter brought suit for freedom on the grounds of residence in a free State but the court denied any such right, since the slave returned to his master in Kentucky voluntarily.⁶⁷

If an emancipated Negro for any reason was held in slavery and later established his right to freedom in court, he could not recover compensation for his services or damages for his detention, unless he could prove that he was held under full knowledge of his right or with good reason to believe him free. If pending his suit for freedom he should be hired out by order of the court, the net hire was to be awarded to him if he succeeded.⁶⁸

The actual number of manumissions which took place in Kentucky will no doubt never be known. Among the few statistics are those of the federal census for 1850 and 1860 and they include only the figures for the one census year. According to this source in 1850 only 152 slaves were voluntarily set free in the State or one slave out of every 1,388, a percentage of only .072; and in 1860 there were 176 Negroes recorded as freed or one out of every 1,281 slaves, a percentage of only .078. We can easily assume from the accounts which we have from papers of that time that these numbers were far short of those that were really set free by their masters. It was the custom of many owners who were about to free their slaves to take them to Cincinnati and there have them set free in the Probate Court.

Early in 1859, forty-nine slaves from Fayette County, mostly women and children, were brought to Cincinnati and set free and later sent to a colony of emancipated Negroes in Green County, Ohio.⁶⁹ In March of the same year Robert Barnet of Lincoln County, Kentucky appeared with eighteen slaves—a father, mother, nine children and three grandchildren and another woman and four boys, who were all emancipated in the Cincinnati Probate Court. Before

⁶⁷ 11 Ben Monroe, 210.

⁶⁸ 4 Dana, 589, 7 Dana, 360.

⁶⁹ *American Anti-Slavery Society Report*, 1859, p. 79.

crossing the Ohio, while in Covington, he was offered \$20,000 for all of them but he stated that he would refuse even \$50,000.⁷⁰ In January, 1860, William McGinnis, of Bourbon County, appeared with fourteen slaves before the same probate court and set them all free.⁷¹

The law of Kentucky plainly provided that no slave was to be emancipated unless bond were given that he would immediately leave the State. Hence it was but natural that a master who intended setting his slaves free should take them as slaves to a free State and there give them their freedom, thus satisfying his own conscience and at the same time removing any future legal trouble that might ensue on account of his former slaves being found in the State of Kentucky. For this reason it would seem that a large number of the kind-hearted slaveholders who freed their slaves did so outside the bounds of Kentucky and thus that State was deprived of the credit for many emancipations which took place voluntarily at the hands of her own slaveholders.

⁷⁰ *Weekly Free South* (Newport), March 4, 1859.

⁷¹ *American Anti-Slavery Society Report*, 1860, p. 44.

CHAPTER IV

THE SOCIAL STATUS OF THE SLAVE

As many of the slave regulations were enacted to deal with extreme cases and some of them were not generally enforced, it is necessary to consider also the social status of the blacks to determine exactly what the institution was in Kentucky. In this commonwealth slavery was decidedly patriarchal. The slave was not such an unfortunate creature as some have pictured him. He usually had set apart for himself and his family a house which was located near the master's mansion. While this home may have been a rude cabin made of small logs, with a roof covered with splits and an earthen floor, likely as not the master's son was attending school a few weeks in the year in a neighboring log cabin which boasted of no more luxuries than the humble slave dwelling. The servant and his family were well fed and had plenty of domestic cloth for all necessary wearing apparel.

The kind of clothing which the Kentucky slave had can be seen best by a study of the runaway slave advertisements where a description of apparel was often essential to the apprehension of the Negro. "Billy" in 1803 ran away from his owner in Lexington and took such a variety of clothing with him that the master was unable to give a description of them.¹ "Jack," running away from his owner in Mercer County, had on when he left and took with him "one pale blue jeans coat, one gray jeans coat, and an old linsey coat; one pair of cloth pantaloons, one pair of jeans, and one of linen."² "Thenton," when leaving his master in Warren County, took with him "a new black smooth fur hat, a yellow woollen jeans frock coat, more than half worn; three

¹ *Lexington Gazette*, August 23, 1803.

² *Louisville Public Advertiser*, July 10, 1824.

shirts, two of coarse cotton and one entirely new, the third a bleached domestic and new; one blanket; one pair of pantaloons, of cotton and flax."³ "Jarret," from Leitchfield, wore when he left "a smooth black Russia hat" and took with him "a pair of buckskin saddle bags . . . and a great deal of clothing, to wit: one brown jeans frock coat, and pantaloons of the same; also, a brown jeans overcoat, with large pockets in the side; a new dark colored overcoat, two pair blue cloth pantaloons, and an old silver watch."⁴ The clothing of "Esau," from Meade County, was described as "brown jeans pants, black cassinet pants, blue cloth pants, three fine shirts, one black silk vest and one green vest, one brown jeans frock coat, one pale blue coat, velvet collar; coarse shoes and black hat."⁵ "Stewart" left his master in Bullitt County dressed in typical Negro attire—"a black luster coat, made sack fashion, and a pair of snuff colored cassinet pantaloons; also, a black fur hat with low crown and broad brim, and vest with purple dots on it."⁶ "George," living in Marion County, had an outfit of "Brown jeans frock coat (skirt lined with home-made flannel dyed with madder), a pair of new black and yellow twilled negro jeans pantaloons, white socks, factory shirt with linen bosom, and black wool hat."⁷ An owner advertising in 1852 stated that his slave "Andy" had three suits of clothes with him when he ran away.⁸ It is perfectly evident from the reading of these slave advertisements that the male Negroes were as substantially clothed as any members of their race could expect to be at that time even in a state of freedom. The surplus clothing as described above was all a part of the slave's own property and not taken from the master's wardrobe. There were many cases of theft but they need not be considered in this discussion.

A large majority of all runaway slaves were men and

³ *Louisville Weekly Journal*, October 15, 1845.

⁴ *Ibid.*, October 22, 1845.

⁵ *Ibid.*, September 27, 1848.

⁶ *Ibid.*, May 16, 1849.

⁷ *Ibid.*, December 10, 1851.

⁸ *Ibid.*, December 22, 1852.

even when advertisements dealt with female fugitives it was only on rare occasions that the owner attempted to give a description of the clothing which was worn. Will Morton in 1806 gave a list of "Letty's" clothing as "two or three white muslin dresses, one of fancy chintz, salmon colored linsey petticoat, white yarn stockings, and good shoes, with sundry other clothing of good quality."⁹ At such an early date in the history of Kentucky slavery the apparel of this young slave woman compares very favorably with that which was worn by the white people.

In sickness the slaves were cared for by the same physician who looked after the master and his family and should occasion demand assistance any member of the owner's household might be found nursing a sick Negro. There was no limit to the supply of fuel for the winter, for the slaves had the right to cut timber for their own use anywhere in the woods of the estate.¹⁰

As in Virginia, the slave was permitted to have a little "truck-patch" of half an acre or more, where he could raise any crop that he desired. In Kentucky these small plots of ground were nearly always filled with sweet potatoes, tobacco and watermelons. The soil was not only conducive to their cultivation but they were the three favorite agricultural products for personal consumption. These particular crops needed little cultivation once they were planted and such as was necessary could easily be done on Saturday afternoons, when the slave was at leisure.

Historians have reminded us that in most of the Southern States there was a tendency for the more energetic of the slaves to work for pay during their idle hours and thus eventually secure a sufficient surplus to buy their own freedom. In Kentucky such cases were very rare. Most Negroes seem to have been content with their condition in such bondage as existed in the State. There were many cases in which a Negro refused to purchase his freedom

⁹ *Lexington Gazette*, April 12, 1806.

¹⁰ The best contemporary treatment of this subject in general is by Dr. R. J. Spurr—the sole printed text being in Perrin's *History of Bourbon County*, pp. 59-60.

although he had the necessary amount of money. George Brown, the famous Negro author of *Recollections of an Ex-slave*, published in the *Winchester Democrat*, has given us some experiences which testify to the feeling existing between master and slave. In 1857 his mistress was offered \$2,100 for George, but when talking the matter over with him she found that he had serious objections to the prospective purchaser. She showed an interest in Brown's welfare by refusing to sell him. In later years when freedom was within his grasp for the asking, Brown "bought himself" for \$1,000 because, as he says in his own words, it was not honorable for him to "swindle his young mistress out of her slave." Such was the example of a Kentucky slave who purchased his own freedom, not for his own benefit, but for that of his mistress.

Another factor entered into this question. In the later years, once a slave secured his liberty, he was immediately required to leave the State and if such a one had lived all his life in Kentucky, he would naturally hesitate to depart into an unknown region. Many of the slaves did earn considerable money by cobbling shoes, cutting wood, and making brooms, but most of them showed little tendency to save their earnings for any future deliverance from bondage. They were more concerned then—as they often are even yet—with the pleasures of the day. More often they were to be found wasting their spare change on whisky, a problem which grew greater for the master with passing years.

In addition to the regular Saturday afternoon and Sunday off every week the slaves were given several other holidays throughout the year, the most extensive being at Christmas time. At Easter they were allowed two or three days rest and when an election was being held there was no work done outside of the regular chores. The general election day in those times was the first Monday in August and it was the custom for most of the slaves throughout the "penny-royal" and "bluegrass" to journey to the county seat, where they would all congregate and have a general

frolic in accordance with Negro standards of a good time. In the later years of slavery the towns had established sufficient control of the Negroes gathering in their jurisdiction so that the drink evil was more or less mitigated. The fear of the law was a great incentive to their proper conduct on those rare occasions when they had a whole day in town to themselves without any tasks to perform for their master. As Rothert has well observed, however, the slave sometimes did have to care for his drunken owner and take him home. To the student acquainted with Kentucky history and social conditions such a brief statement suggests a wealth of material on the local type of slavery.

That ardent abolitionist from across the sea, James Silk Buckingham, has recorded a characteristic picture of the Kentucky slave at rest and in gala attire:

“We remained at Henderson the greater part of the day, it being a holiday with the negro slaves on the estate, so that it was difficult to get the requisite number of hands to complete the landing in a short time. Some of the female slaves were very gaily dressed, and many of them in good taste, with white muslin gowns, blue and pink waists, ribbons, silk handkerchiefs or scarfs, straw bonnets, and a reticule for the pocket handkerchief held on the arm. In talking with them, and inquiring the reason of the holiday, one said she believed it was Easter, another said it was Whitsuntide, and a third thought it was midsummer. They were chiefly the household slaves, who are always better treated, better dressed, and more indulgent than the field laborers. The men who were employed in landing the cargo appeared to be more cheerful in their general aspect and behavior than the field slaves I have seen at the South: and there is no doubt that in Kentucky their condition is very much better than in most other states, their work lighter, their food and clothing better, and their treatment more kind and humane.”¹¹

Legally, there were no marriages among the slaves. They were not citizens, but property. The men were urged to take their “wives” from among the women of the home estate, if a suitable companion could be found. But if not

¹¹ Buckingham, *Eastern and Western States*, Vol. 3: 41.

they eventually secured one in the neighborhood and the master usually allowed the slave a pass to see his wife every night in the week. While such a cohabitation was not exactly a legal affair most of them were held as sacred as those more legalized unions among the master class. Many masters paid an unconscious tribute to these unions. When there ran away a slave who had a wife living in the neighborhood or even at a great distance the owner would make mention of the exact locality of the wife in order that people in that region would be on the lookout for the fugitive. J. C. Bucklin in 1824 did not give much of a description of David, who had left his master, but he very carefully stated that he had a "wife and children at William Shirley's, about 16 miles from this place, on the Westport Road."¹² An owner in Fayette county after giving a detailed picture of "Arthur" added that "Capt. Peter Poindexter, eight miles from Lexington owns his wife, and I expect that he will be in that neighborhood."¹³ A more extreme example was that of "Dick," a Lexington slave who ran away to New Orleans, the owner thought, because "he has a wife living in that city, and he has been heard to say frequently that he was determined to go to New Orleans."¹⁴ Such cases as this were the logical consequence of the slavery system. They existed in Kentucky just as in any other slave State, but they were few compared with those slaves unions that were never broken.

It was to the economic as well as humanitarian interest of the master to have sympathy with the peace and contentment of his servant. Thus most of them took care that the family relationships of the slaves should not be disturbed. Oftentimes when the owner of either a husband or a wife was on the point of moving out of the county the masters would get together and make a trade which would obviate any disruption of the slave family. Under such conditions a man would part with a servant who otherwise could not

¹² *Louisville Public Advertiser*, August 11, 1824.

¹³ *Lexington Gazette*, June 14, 1803.

¹⁴ *Lexington Intelligencer*, July 7, 1838.

have been bought at any price. Such a situation was possible only in a State where the personal interest in a slave and his welfare took precedence over merely his economic value to the owner.¹⁵

Charles Stewart in *My Life as a Slave* has given us his own experiences of home life and marriage among slaves in Kentucky. He lived in Paris and was engaged in handling race horses. Soon after coming from Virginia to Kentucky he fell in love with a young mulatto girl, who was the property of a Mr. Robertson, who gave his consent to their marriage, promising never to part them by his own free will. In his own dialect Stewart dictated his story. "So I married her, an' tuk her to a little house I had fixed up near de stables, an' she clear-starched an' sewed an' 'broidered an' wukked wid de hand-loom, an' made more pretty things dan I could count. She paid her marster, en course, reg'lar, so much a month fur her hire, but, lor', she neber touched her airnin's fur dat. I had plenty of money to hire as many wives as I wanted, but dis one was de onliest one I eber did want, an' so it was easy enough." After two years his wife became very sick and died and the grief of the Negro man was touching in the extreme. "She was jes' as fond o' me as I was of her, an' it did 'pear hard luck to lose her jes' as I was makin' up my mind to buy her out and out, only en course, it was a fortunate thing I hadn't bought her, as long as she had to die, kase den I would ha' lost her an' de money too. Arter she was in de ground it jes' 'peared to me like eberything was different; I tuk a dislikement to Paris, an' I didn't feel like goin' home to Virginny." His master agreed to let him go wherever he liked if he could find an owner to suit him and finally Stewart went to Louisiana after an interview with Senator Porter of that State. He was to stay six months to see how he liked it and then if agreeable he was to stay there. He must have been a rather unusual Negro, for his selling price was finally fixed at \$3,500.¹⁶

¹⁵ Perrin (Bourbon County), p. 60.

¹⁶ *Harper's Magazine*, October, 1884, pp. 730-738.

But life among the slaves of Kentucky was not by any means a path of roses. Many anti-slavery leaders attested to this fact. The most trustworthy statement that was ever made on this general subject was that embodied in the pamphlet of the Presbyterian Synod of Kentucky in 1835 advocating gradual emancipation. The following brief extracts are most significant:

“The system produces general licentiousness among the slaves. Marriage, as a civil ordinance, they cannot enjoy. Until slavery waxeth old, and tendeth to decay, there cannot be any legal recognition of the marriage rite, or the enforcement of its consequent duties. For, all the regulations on this subject would limit the master’s absolute right of property in the slaves. In his disposal of them he could no longer be at liberty to consult merely his own interest . . . their present quasi-marriages are continually voided (at the master’s pleasure). . . . They are in this way brought to consider their matrimonial alliances as things not binding, and act accordingly. We are then assured by the most unquestionable testimony that licentiousness is the necessary result of our system.

One would infer from this observation of apparently fair-minded men that slave unions were not very sacred affairs and that any disruption of them would amount to little, but in the same document these Presbyterian preachers give a back-handed compliment to the stability, at least in temperament, of the average slave marriage.

“Brothers and sisters, parents and children, husbands and wives, are torn asunder and permitted to see each other no more. These acts are daily occurring in the midst of us. The shrieks and agony often witnessed on such occasions proclaim with a trumpet tongue, the iniquity of our system. There is not a neighborhood where these heartrending scenes are not displayed; there is not a village or road that does not behold the sad procession of manacled outcasts, whose mournful countenances tell that they are exiled by force, from all that their hearts hold dear.”

It is strange that these two opposing views should appear in the same pamphlet, but nevertheless they are both undoubtedly true pictures of slavery in Kentucky. It is

merely a question as to which of the two represented the majority of cases. Licentiousness there was, but it was certainly very much less among the slaves of Kentucky than in the far South. Slave unions were treated with more respect by the masters of Kentucky than in most slave States. As has been pointed out in a previous chapter, the very fact that the few instances of inhuman separation of slave families produced such a storm of public disapproval shows that it was not a very general practice in the State.

From the legal standpoint the slave had no rights or privileges in the attainment of even a meager education. On the other hand Kentucky was the only slave State, with the exception of Maryland and Tennessee, which never passed any laws forbidding the instruction of slaves. Thus no penalty was attached to Negro education, neither was any encouragement given. Those slaves who learned to read were the servants of masters who because of conscientious scruples taught them how to read the Bible. Few slaves ever learned to write, for they might then be tempted to serve as unofficial dispensers of passes in the owner's name. The general objection to any reasonable amount of education was the tendency towards dissatisfaction with the servile status thereby aroused. If the slave could learn to read well, it was feared that he would become a victim of the "filthy" abolitionist literature, which through the resultant effect upon the Negroes would have produced no end of trouble to the slavery system. Hence, for the most part, the Kentucky slave remained in blissful ignorance, and well for him as such and the institution he represented that his learning was no greater.¹⁷

Out of a collection of some three hundred and fifty runaway slave advertisements concerning Kentucky slaves the author has found 71 cases in which mention was made that the Negro could read and 37 instances in which he could write. The latter cases are all included in the former

¹⁷ Clarke, *Sufferings of Lewis and Milton Clarke*, p. 104.

Rothert, *History of Muhlenburg County*, p. 104.

Perrin (Bourbon County), p. 60.

classification also. On that basis a little over ten per cent of the slaves could read and write and about twenty per cent could read but were unable to write. There are, however, two strong reasons against any such general conclusion. In the first place, the more a slave learned the more liable he was to become dissatisfied and run away; and secondly, the careful mention which was made in advertisements of the Negro's ability to read or write would tend to show that it was more or less an unusual accomplishment.

Taking up the question of the education of slaves in the State, the Presbyterian Synod of Kentucky said in 1834 that "Slavery dooms thousands of human beings to hopeless ignorance . . . if slaves are educated it must involve some outlay upon the part of the master. . . . It is inconsistent with our knowledge of human nature to suppose that he will do this for them. The present state of instruction among this race remains exactly what we might . . . naturally anticipate. Throughout the whole land (State), so far as we can learn, there is but one school in which, during the week, slaves can be taught. The light of three or four Sabbath schools is seen glimmering through the darkness that covers the black population of the whole State. Here and there a family is found where humanity and religion impel the master, mistress or children to the laborious task of private instruction."¹⁸

It should be added in this connection that the same statement would hold true of the free Negro population of Kentucky at the same period. Until long after the Civil War there was no provision made for their education other than that of individual enterprise. The public education of the whites was not on a plane comparable to that of any of the Northern States until after the reconstruction period, and even then Kentucky lagged behind for years.

The church and its influence for the betterment of society under the slavery system was more effective than the school. The chief religious paper of the State was the *Presbyterian Herald* and one of its most persistent pleas was that the

¹⁸ *Address to the People of Kentucky*, p. 8.

proper religious instruction of the Negro servant class would answer most of the objections to the institution. "The most formidable weapon in the hands of the abolitionist," said the editor, "is the indifference which he charges to the Christian slaveholder toward the spiritual welfare of the slave under his control. Disarm him of this weapon, and you have done much to render him powerless."¹⁹

Religious instruction in families of Christian habits of life, however, was not so sadly neglected. The household servants were usually brought to the house during the family worship and the scriptures were not merely read to them but explained. No restrictions were ever placed on church attendance either by law or by custom. Many slaves united with the white churches and throughout the State today one may find any number of old churches whose records still show several of these Negroes on the church rolls. Most of them are very kindly remembered for their good moral character and abiding faith. Such a condition was not so prevalent among the agricultural slaves, except where they were few in numbers. Even here, however, the religious instinct was not suppressed in any manner. Their religion at the most was a very crude imitation of the worship of their masters. They were not confined to the rear seats of the white churches for their attendance at Sunday services. They could hold their own meetings in schoolhouses and vacant church edifices.

It was these distinctively slave gatherings that gave rise to one of the most interesting of all Negro characters—the preacher. Tradition and story have related many a charming picture of this quaint representative of Negro faith, but unfortunately few life stories of any of them have ever been preserved. In nearly all the county histories we find mention of several of these Negro exhorters who seemingly were men of some degree of intelligence. The majority of them were apparently themselves slaves, subject to the will

¹⁹ *Presbyterian Herald*, April 16, 1846. See especially the editorial and articles in the issue of October 4, 1849.

of their masters, and while the restrictions on their movements were very lax, they seldom if ever spoke beyond the borders of their home county.²⁰

One of the famous Negro preachers of the early nineteenth-century South was Josiah Henson. From 1825 to 1828 he was a slave in Daviess County, Kentucky, and in his autobiography he has given us a picture of the circumstances under which he became a slave preacher. "In Kentucky," said he, "the opportunities of attending on the preaching of whites, as well as of blacks, were more numerous; and partly attended by them, and the campmeetings which occurred from time to time, and partly from studying carefully my own heart, and observing the developments of character around me, in all the stations of life which I could watch, I became better acquainted with those religious feelings which are deeply implanted in the breast of every human being, and learnt by practice how best to arouse them, and keep them excited, and in general to produce some good religious impressions on the ignorant and thoughtless community by which I was surrounded. . . . I cannot but derive some satisfaction, too, from the proofs I have had that my services have been acceptable to those to whom they have been rendered. In the course of the three years from 1825 to 1828 I availed myself of all the opportunities of improvement which occurred and was admitted as a preacher by a conference of the Methodist Episcopal Church."²¹

In Ballard County there was another interesting exhorter. Advertising for his Negro Jack who had run away in 1850, C. B. Young pointed out that although he was a slave and the property of the "subscriber" he was a well-educated Baptist preacher and in the pursuit of his vocation he was well known by "many of the citizens of Paducah, McCracken County, and also by citizens of Hickman and Fulton Counties, and is thought by many to be a free man."²²

²⁰ Rothert, *History of Muhlenburg County*, p. 340.

²¹ Henson, *Life of Josiah Henson*, pp. 26-27.

²² *Louisville Weekly Journal*, March 27, 1850.

The only credentials which the Negro preacher carried, according to his own testimony, came directly from the Lord. His education was only of a sufficient character to enable him to read the Bible and line out the words of the hymns. His creed was never the creation of any school of theology. It was usually an original interpretation of supernatural phenomena varying widely even in one individual from time to time. Convinced of his supernatural calling, he felt inferior to no one in the power of exegesis. As long as he held his balance and remained on terra firma his followers believed in him as he believed in himself. But as Lucius Little has well said: "Once in a while a colored preacher lost his influence with his congregation by drinking too deeply of the Pierian spring. Too much learning raised him out of their orbit. They fell on stony ground." Strange, yet how true, that the more ignorant a slave minister was, the more power of influence for good he had among his fellow human beings.²³

James Lane Allen has given us a splendid little sketch of three of these native characters whom he evidently knew in his younger days:

"One of these negro preachers was allowed by his master to fill a distant appointment. Belated once, and returning home after the hour forbidden for slaves to be abroad, he was caught by the patrol and cruelly whipped. As the blows fell, his words were, 'Jesus Christ suffered for righteousness' sake; so kin I.'"

Another was recommended for deacon's orders and actually ordained. When liberty came, he refused to be free, and continued to work in his master's family until his death. With considerable knowledge of the Bible and a fluent tongue, he would nevertheless sometimes grow confused while preaching and lose his train of thought. At these embarrassing junctures it was his wont suddenly to call out at the top of his voice, "Saul, Saul. Why persecutest thou me?" The effect upon his hearers was electrifying:—as none but a very highly favored being could be thought worthy of enjoying this persecution. He thus converted his loss of mind into spiritual reputation.

²³ Little, L. P., *Ben Hardin, his Times and Contemporaries*, pp. 544-545.

A third named Peter Cotton, united the vocations of exhorter and wood-chopper. He united them literally, for one moment Peter might be seen standing on his log chopping away, and the next kneeling down beside it praying. He got his mistress to make him a long jeans coat and on the ample tails of it to embroider, by his direction, sundry texts of scripture, such as "Come unto Me, all ye that are heavy laden." Thus literally clothed with righteousness, Peter went from cabin to cabin, preaching the Word. Well for him if that other Peter could have seen him."²⁴

One of the dominant features of such a type of religion among the Negroes was the resulting prevalence of superstition. It almost seems that in their ignorance they adopted every form of supernatural fear that was ever known among our ancestors. But if it had ended there the matter would not have been so important socially. In their constant association with white children they brought their fears of "ghost-hauntings" and other fantastic ideas into the minds of the very young. The peculiarity of the Negro slave as compared with the other superstitious races was his own sinister imaginative productions. They related none of the valuable tales of ancient mythology, but rather did they fill the earth with goblins, witches and ghosts—the result of their own dreams and fancies.²⁵

The many stories of this sort which a "mammy" related to a child a half century ago can be reproduced by the old man of the twentieth century and the effect of the old ideas of magic is still with him. The prevalence of superstitious ideas in Kentucky today might easily be traced back to the associations of slavery times. But such a weakness may not always have done harm; not every child was so influenced. The natural play of the Negro instinct was worth much to his peace and contentment. Here again Shaler has given us a rather unique observation from his own experience:

²⁴ Allen, James Lane, *Blue Grass Region of Kentucky*, pp. 77-78.

²⁵ Robertson's *Autobiography*, pp. 124-125.

"The only movements of the spirit in the religious field that I can remember came from two sources: my mother's singing. . . . The other spiritual influence came from the negroes. A number of them used to meet at night to talk religion beneath a shed which lay open to the northern sky. One of them, well named "Old Daniel," had a fervid imagination and excellent descriptive powers. He would picture the coming of the great angel as if it were before his eyes; the path of light shooting down from about the North star,—the majesty of his train. Then the rolling of the heavens "like a scroll"—I did not know what this process was like, but it seemed vaguely fine—and then the burning up of the world. I was always greatly moved when hearing these exhortations which must indeed have been rather wonderful things, but they made no permanent impression upon me. In fact I regarded them as 'nigger talk.'"²⁶

The patriarchal character of slavery as it existed in Kentucky is best shown in the relationship which generally existed between the master and his slave. The pioneers who brought their slaves with them from Virginia encountered many dangers not only in crossing the mountains but after they had settled in the new State. Many were the times when the slave proved himself a hero and even encountered death in order to protect the master and his family. Tradition and history have handed down many of these stories to us, but the most famous of all, as well as the best authenticated, was the experience of Monk Estill, who was the slave of Colonel James Estill, of Madison County. In a struggle with the Indians in 1782 in the region where Mount Sterling is now located Monk cried out to his master in the thick of the fray: "Don't give way, Marse Jim; there's only twenty-five of the Injuns and you can whip them." Colonel Estill was killed and Monk was taken prisoner but he soon managed to escape, and after joining his comrades carried one of the wounded men twenty-five miles. The young master was so grateful to Monk that he gave him his freedom and kept him in the best of comfort the rest of his life. This was the experi-

²⁶ Shaler's *Autobiography*, pp. 57-58.

ence of what is supposed to have been the first slave in the district of Kentucky.²⁷

Not only was the slave on a par with his master when it came to facing dangers but even in the field of sports he had as pleasant an outing as his overlord. While the one may have spent the day in fox hunting or deer driving, when nightfall came the Negro was apt to emerge from his quarters followed by his faithful dog in search of possum or coon. While the master may have enjoyed a feast of venison at his table the Negro was just as well satisfied with the less valuable but savory game that graced his own meal.

With the exception of the house servants most of the slaves of the State were employed in agricultural pursuits, but, as we have seen elsewhere, even here they were not to be found in large droves as in the States of the South. There were only a few big landed estates which were cultivated by the owners under their own supervision and in the large majority of cases the field slaves worked side by side with the whites. Often an owner's circumstances compelled him to labor in the fields with his slaves and when doing so he rarely demanded more of them than he did himself. Such a condition was not only true in the early days when there were few slaves but it extended throughout the slavery era.²⁸ The stories of the mildness of the institution in Kentucky which reached the North were little accredited by the radical element, which could never see any virtue in servile labor. Perhaps the most zealous abolitionist who visited the State was J. W. Buckingham, who wrote in 1840 that the "condition of the Negroes, as to food, clothing, and light labor struck me as being better in Kentucky than in any other State."²⁹ While traveling in the heart of the slave section of the State between Frankfort and Louisville he saw many instances of black and white laborers, slave and free, working side by side in the same field.³⁰

²⁷ Collins, *History of Kentucky*, Vol. 2, pp. 634-636.

²⁸ Cotterill, *History of Pioneer Kentucky*, p. 245.

Little, L. P., *Ben Hardin, his Times and Contemporaries*, p. 543.

²⁹ Buckingham, *Eastern and Western States*, Vol. 3: 7-8.

³⁰ *Op. cit.*, Vol. 3: 8.

The relation between the owner and the household type of slave was of a more intimate nature and the master was careful to pick only the best of the Negroes. In such an environment we see the picture of the Kentucky gentleman of song and story, and the Negro in all the best that tradition has related of him. The latter became identified with the family of the master in sentiment and feeling. Under ordinary circumstances he had nothing to worry about, and with no cares pressing upon him, he became as happy as any Negro ever was. If the crops failed, or the owner became bankrupt he had none of the anxiety of his master, although he may have displayed the greatest sympathy with the existing condition. It was his duty to give only his labor to his master and in return he was sheltered, clothed and supported when sick or too old to labor; and at last when his earthly toils were over, he was given a Christian burial. The humble affection which the slave had for his master in conjunction with the extreme confidence which he held for the outcome of all pecuniary troubles is shown by instances in the life history of every slaveholding family. No matter what might be the circumstances and conditions of the estate the slave could go on in his daily work without any fears or cares, except for the one great cloud that in the event of a disruption of the estate through a legal process he might be sold to satisfy his master's creditors.

From our present viewpoint the treatment may have been at times rather harsh but we must be careful to judge it from the general standard of those times. It has been pointed out that it would bear "favorable comparison with the treatment of the white sailors in the British and American navies of the same period."³¹ The slave code allowed a much severer policy than was generally carried out, for it must be considered that the law was made to fit the worst cases, where such action was justifiable. Often the attitude of the master appeared harsher than it was really meant to be. It may have been merely a display of authority on his

³¹ Little, L. P., *Ben Hardin, his Times and Contemporaries*, pp. 541-2.

part when he reprimanded a servant who had really committed only a minor indiscretion.³²

There were naturally other scenes in which the treatment of slaves would not appear in such a favorable light. The chronically bad master, however, was at all times and under all circumstances under the ban of a just public sentiment. Should, by chance, a slave under such a one secure vengeance on his heartless overlord, the general feeling of the community was on the side of the slave. Strange to say, it was very often true that persons who had known little concerning slavery until they came to Kentucky, as soon as they had accumulated a sufficient surplus, became the owners of slaves and proved to be the hardest taskmasters.³³ Much light is thrown on this situation by Shaler.

³² A typical example of this has been related by one of Kentucky's distinguished sons:

"In the households where I was intimate the slaves were about on the same footing as the other members of the family; they were subjected to sudden explosions of the master's temper much as were his children. I well remember a frequent scene in my grandfather's house, where it was the custom that I should go every Sunday afternoon for counsel and instruction. They were at first somewhat fearsome occasions for a little lad thus to be alone with an aged and stately grandfather. I soon won his interest, in some measure by my fears, and came greatly to enjoy the intercourse, for he knew how to talk to a boy, and we became, in a way, boys together, in our sense of the funny side of things. It was the custom, too, for him to divide the session of three or four hours with a brief nap taken in his chair. . . .

"As his rooms were near the negro quarter he would make ready for his siesta by sending forth the servantman who waited on him, bidding him tell the people that they were to keep quiet during the performance. I can see him now with his pig-tail hanging down behind the back of the easy chair and a handkerchief over his face as he courted slumber. For a minute or two it would be still, then the hidden varlets would be as noisy as before. Then the pig-tail would begin to twitch, and he would mutter: 'Jim, tell those people they *must* be still.' Again a minute of quiet, and once more the jabbering and shouting. Now with a leap he would clutch his long walking-stick and charge the crowd in the quarter, laying about him with amazing nimbleness, until all the offenders were run to their holes. Back he would come from his excursion and settle himself to sleep. I could see that his rage was merely on the surface and that he had used it for a corrective, for he evidently took care not to hurt anyone." Shaler's *Autobiography*, p. 37.

³³ Little, L. P., *Ben Hardin, his Times and Contemporaries*, p. 543.

"There is a common opinion," said he, "that the slaves of the Southern households were subjected in various ways to brutal treatment. Such, in my experience, was not the case. Though the custom of using the whip on white children was common enough, I never saw a negro deliberately punished in that way until 1862, when, in military service, I stayed at night at the house of a friend. This old man, long a widower, had recently married a woman from the state of Maine, who had been the governess of his children. In the early morning I heard a tumult in the back yard, and on looking out saw a negro man, his arms tied up to a limb of a tree, while the vigorous matron was administering on his back with a cowhide whip. At breakfast I learned that the man had well deserved the flogging, but it struck me as curious that in the only instance of the kind that I had known the punishment was from the hands of a Northern woman."³⁴ Shaler lived in Campbell County in the extreme northern section of the State, where there were only a few slaves and the treatment was milder perhaps than in any other part of Kentucky.

The general attitude is best shown by the two laws passed in 1816 and 1830. It had always been considered that the slave, being the property of his owner, it remained for him and for him alone to serve as the disciplinarian of the Negro. The increasing abuse of this right by outsiders led to a law in 1815 giving the owners a power of action against persons abusing their slaves, and in February, 1816, the provisions were made more specific. If any person should "whip, strike or otherwise abuse the slave of another" without the owner's consent, the latter could recover damages in any circuit court in the commonwealth—regardless of whether or not the punishment so inflicted injured the ability of the slave to render service to his master.³⁵

Some of the contemporary comment would seem to imply that the theory of the law was based on the property con-

³⁴ Shaler's *Autobiography*, pp. 36-37.

³⁵ *Littell's Laws*, Vol. 5: 578-579.

ception of the slave and not upon humanitarian motives. In other words, it was perfectly proper to punish any slave as one saw fit as long as one did not interfere with the property value of the servant. Fearon, while visiting the State in 1818, came across an example of this kind and after telling the story of the punishment makes this comment: "It appears that this boy (the one who had been whipped) was the property of a regular slave-dealer, who was then absent at Natchez with a cargo. Mr. Lawe's humanity fell lamentably in my estimation when he stated, that 'whipping niggers, if they were his own, was perfectly right, and they perhaps deserved it; but what made him mad was, that the boy was left under his care by a friend, and he did not like to have a friend's property injured.'"⁸⁶ The conduct observed by Fearon was clearly in violation of the law of 1816, unless the absent master had given over his rights in full to the man Lawe, who administered the punishment. It may have been the spirit of the laws of Kentucky that Lawe had in mind when he spoke to Fearon. On the other hand, it could easily be given the interpretation which Fearon made. The trend of public opinion was more and more in the interest of justice for the slave as the law of 1830 shows:

If any owner of a slave shall treat such slave cruelly, so as in the opinion of the jury, to endanger the life or limb of such slave, or shall not supply his slave with sufficient food or raiment, it shall and may be lawful for any person acquainted with the fact or facts, to state and set forth in a petition to the Circuit Court, the facts, or any of them aforesaid, of which the defendant hath been guilty, and pray that such slave or slaves may be taken from the possession of the owner, and sold for the benefit of such owner, agreeably to the 7th article of the Constitution.⁸⁷

In accordance with this law, if a jury of twelve men were convinced that a master treated his slave cruelly, or failed to provide him the proper food and clothing, the

⁸⁶ Fearon, *Sketches in America*, p. 241.

⁸⁷ Session Laws, 1830, p. 174.

slave would be sold into better hands and the master would have to pay the costs of the suit. Most assuredly there was no place in the eyes of the law for an inhuman slaveholder. Not only was such a one a criminal in the eyes of the courts but he was socially ostracized in the ordinary circles of the community.³⁸

Two instances of this kind in Lexington will show the public feeling. In 1837 Mrs. Turner, the wife of a wealthy Lexington judge, was accused of inhuman cruelty. Her own husband was the chief complainant, stating that "that woman has been the cause of the death of six of my servants by her severities." The trial caused intense excitement among the people of Lexington, more so perhaps for the reason that the defendant was a member of a prominent Boston family and her husband was a former judge of the criminal court in New Orleans. The court proceedings were brought to an end when the woman was pronounced insane and placed in the asylum.³⁹

Early in 1839 a Mr. and Mrs. Maxwell were tried in Lexington for the inhuman treatment of a female slave servant. The indignation of the citizens of Lexington is apparent from the publicity that was given to the proceedings in the local papers. A Dr. Constant testified that he saw Mrs. Maxwell whipping the Negro severely, without being particular whether she struck her in the face or not. The lacerations had brought blood in considerable quantities for he had found some on the steps. He had noticed previously that the slave had been thinly clad and was barefooted even in cold weather. During the previous months he had noticed several scars on her and at one time she had had one eye tied up for a week. A Mr. Winters was once passing along the street and saw one of the boys whipping the slave girl with a cowhide. Whenever she turned her face to him he would hit her across the face either with the butt end or small end of the whip to make her turn around square to the lash, in order that he might get a fair blow at her. A Mr.

³⁸ Blanchard and Rice, *Debate on Slavery*, p. 135.

³⁹ *American Slavery As It Is*, p. 87.

Say had noticed several wounds on her person, chiefly bruises. Capt. Porter, the keeper of the workhouse, thought the injuries on Milly's person were very bad, some of them appeared to be burns, and some were bruises or stripes from a cowhide whip. The trial was held amidst a turmoil of resentment against the defendants and there was apparently no one in sympathy with them whatever.⁴⁰

Any discussion of the relationships in slavery times would be incomplete without adding the characterization of the Kentucky master as drawn by a celebrated author who was born in the heart of the bluegrass and was thoroughly familiar with the type:

"The good in nature is irrepressible. Slavery, evil as it was, when looked at from the remoteness of human history as it is to be, will be judged an institution that gave development to a certain noble type of character.

"Along with other social forces peculiar to the age, it produced in Kentucky a kind of farmer the like of which will never appear again. He had the aristocratic virtues: highest notions of personal liberty and personal honor, a fine especial scorn of anything that was little, mean, cowardly. As an agriculturist he was not driving or merciless or grasping; the rapid amassing of wealth was not among his passions, the contention of splendid living not among his thorns. To a certain carelessness of riches he added a certain profuseness of expenditure; and indulgent towards his own pleasures, towards others, his equals or dependents, he bore himself with a spirit of kindness and magnanimity. Intolerant of tyranny, he was no tyrant. To say of such a man, as Jefferson said of every slave-holder, that he lived in the perpetual exercise of the most boisterous passions and unremitting despotism, and in the exaction of the most degrading submission, was to pronounce judgment hasty and unfair.

"Rather did Mrs. Stowe, while not blind to his faults, discern his virtues when she made him, embarrassed by death, exclaim: "If anybody had said to me that I should sell Tom down south to one of those rascally traders, I should have said, 'Is thy servant a dog that he should do this thing?' "⁴¹

⁴⁰ *Lexington Reporter*, January 15, 1839.

⁴¹ Allen, James Lane, *Blue Grass Region of Kentucky*, pp. 67-68,

CHAPTER V

PUBLIC OPINION REGARDING EMANCIPATION AND COLONIZATION

Although the facts herein set forth indicate that slavery in Kentucky was a comparatively mild form of servitude it is not the aim here to leave the impression that the anti-slavery element found no grounds for attacking the institution. On the contrary, there were various elements that devised schemes for exterminating the institution. This was especially true of the churches, which represented more than any other one force the sentiment of the State on the subject of emancipation. The three prominent Protestant denominations of the State were the Presbyterians, the Baptists, and the Methodists. The only one of the three which maintained a general continuous policy throughout the early nineteenth century on the question of slavery was the Presbyterian.

It was on the eve of the first Constitutional Convention of 1792 that David Rice, at that time the leader of the Presbyterians in Kentucky, published a pamphlet under the nom-de-plume of PHILANTHROPOS entitled *Slavery Inconsistent with Justice and Good Policy*. While the author went into the general evils of slavery, such as the lack of protection to female chastity, lack of religious and moral instruction, and the comparative unproductiveness of slave labor, he was not one of those violent opponents of the institution, who would abolish the whole system without any constructive measures. A large part of his treatise was devoted to the supposed sanction of the scriptures and his own evidence that the same source was against rather than in favor of the system then in vogue. It was but natural that Rice should recommend that the convention should put an end to slavery in Kentucky in view of his firm opinions in the matter, but he had a clear vision of the future and he expressed his con-

viction that "a gradual emancipation only can be advisable." He summed up his ideas in this sentence: "The legislature, if they judged it expedient, would prevent the importation of any more slaves; they would enact that all born after such a date should be free; be qualified by proper education to make useful citizens, and be actually freed at a proper age."¹ He put these ideas forth as a citizen of Kentucky who was interested in its welfare and as a prospective member of the constitutional convention. When that body assembled at Danville he did not hesitate to voice his views again but the forces of slavery were dominant and the majority enacted the famous article IX, which determined the slave code of the State until the institution was abolished by the 13th amendment to the federal constitution. The significance of the attitude of David Rice lies in the fact that as early as the year 1792 he put forth the idea of gradual emancipation, a policy far in advance of his age but which in the course of time was held by a large number of the fair-minded statesmen of Kentucky.

In 1794 the Transylvania Presbytery, which was the governing body of that sect at that time for the whole State, passed a resolution asking that slaves should be instructed to read the Bible, having in view the sole idea that when freedom did come to them they would be prepared for it.² The same body in 1796 expressed the following fair-minded attitude in the form of a resolution:

Although the Presbytery are fully convinced of the great evil of slavery, yet they view the final remedy as alone belonging to the civil powers; and also do not think that they have sufficient authority from the word of God to make it a term of Christian communion. They, therefore, leave it to the consciences of the brethren to act as they may think proper; earnestly recommending to the people under their care to emancipate such of their slaves as they may think fit subjects of liberty; and that they also take every possible measure, by teaching their young slaves to read and give them such other instruction as may be in their power, to prepare

¹ Davidson, *History of the Presbyterian Church in Kentucky*, p. 336.

² *Minutes of Transylvania Presbytery*, Vol. 1, p. 147.

them for the enjoyment of liberty, an event which they contemplate with the greatest pleasure, and which, they hope, will be accomplished as soon as the nature of things will admit.³

In the year 1797 the same organization decided that slavery was a moral evil but on the question of whether those persons holding slaves were guilty of a moral evil they decided in the negative. As to what persons were guilty they were unable to decide and the matter was postponed for future action.⁴

As early as 1800 the West Lexington Presbytery pointed to the trouble and division which slavery was likely to cause among the churches, but they were unable to come to any decision upon the exclusion of slaveholding members from church privileges and in a letter to the Synod of Virginia they asked for the judgment of higher ecclesiastical authorities.⁵ In 1802 the same body decided on a policy of non-interference with the rights of the slaveholding members of the church.⁶

Beginning in 1823 the Synod of Kentucky advocated the cause of the American Colonization Society. Their general attitude on the slavery question was an open one as late as the year 1833 when they adopted a resolution to the effect that "inasmuch as in the judgment of the Synod it is inexpedient to come to any decision on the very difficult and delicate question of slavery as it is within our bounds; therefore, resolved, that the whole matter be indefinitely postponed."⁷ The vote on this resolution stood 41 to 36.

The enactment of the law of 1833 forbidding the importation of slaves into Kentucky seems to have induced the Synod to take a step in advance, for when they next met in 1834 at Danville they adopted by the decisive vote of 56 to 7 a resolution calling for the appointment of a committee of ten to draw up a plan for the instruction and future emanci-

³ *Minutes of Transylvania Presbytery*, Vol. 2, pp. 102-3.

⁴ *Ibid.*, Vol. 2, pp. 163, 224.

⁵ *Minutes W. Lexington Presbytery*, Vol. 1, p. 38.

⁶ *Ibid.*, p. 81.

⁷ *Minutes of Kentucky Synod*, Vol. 5, pp. 28, 31.

pation of slaves in the State.⁸ The following year this committee published a 64-page pamphlet entitled "An Address to the Presbyterians of Kentucky proposing a plan for the instruction and emancipation of their slaves." Many editions of this work were published throughout the country even as late as 1862 when it was issued by the United Presbyterian Board of Publication in Pittsburgh. It was heralded throughout the northern section of the United States as a very able document and was regarded all the more valuable because it was published in a slaveholding State. The major portion of the pamphlet was taken up with the general arguments setting forth the evils of the slavery system but in the last few pages they set down their plan for the gradual emancipation of the slaves in Kentucky—the most able contribution towards a reconstruction of the existing social system in the State which had been made up to that time.

"The plan, then, which we propose is, for the master to retain during a limited period, and with regard to the welfare of the slave, that authority which he before held, in perpetuity, and solely for his own interest. Let the full liberty of the slave be secured against all contingencies, by a recorded deed of emancipation, to take effect at a specified time. In the meanwhile, let the servant be treated with kindness—let all those things which degrade him be removed—let him enjoy means of instruction, let his moral and religious improvement be sought—let his prospects be presented before him, to stimulate him to acquire those habits of foresight, economy, industry, activity, skill and integrity, which will fit him for using well the liberty he is soon to enjoy." The actual plan of potential freedom was stated briefly in these words: "(1) We would recommend that all slaves now under 20 years of age, and all those yet to be born in our possession, be emancipated as they severally reach their 25th year. (2) We recommend that deeds of emancipation be drawn up, and recorded in our respective county courts, specifying the slaves whom we are about

⁸ *Minutes of Kentucky Synod*, Vol. 5, pp. 50-52.

to emancipate, and the age at which each is to be free. (3) We recommend that our slaves be instructed in the common elementary branches of education. (4) We recommend that strenuous and persevering efforts be made to induce them to attend upon the ordinary services of religion, both domestic and public. (5) We recommend that great pains be taken to teach them the Holy Scriptures; and that, to effect this the instrumentality of Sabbath Schools, wherever they can be enjoyed, be united with that of domestic instruction."⁹

This appeal was not to the officials of the State but to the members of a particular religious body by its governing organization. The success or failure of the plan depended entirely upon the individual slaveholder's attitude in the matter. The committee added this sentence by way of explanation: "These are measures which all ought to adopt; and we know of no peculiarity of circumstances in the case of any individual which can free him from culpability if he neglects them."¹⁰

The sentiments embodied in this appeal were not, however, any indication of the feeling among the slaveholding Presbyterians of the State nor were they expressive of the Synod itself, for that body never took any action upon the address, it being the work of the committee of ten entirely.¹¹ Davidson, writing in 1847, made the following comment on the sentiment of the church people in Kentucky at that time. "In the morbid and feverish state of the public mind, it is not to be concealed, that by some they (the Committee) were considered as going to an unwarrantable and imprudent length. The northern abolitionists were waging a hot crusade against slavery, sending out itinerant lecturers, and loading the mails with inflammatory publications. Their measures were marked with a fanatical virulence rarely exhibited, and the people were exasperated beyond forbearance. . . the effects were truly disastrous. The prospect of emancipation was retarded for years. The laws bearing on the slave population were made more stringent than ever,

⁹ *Address to Presbyterians of Kentucky*, pp. 33-34.

¹⁰ *Ibid.*, p. 34.

¹¹ Davidson, *History of the Presbyterian Church in Kentucky*, p. 340.

and their privileges were curtailed. In Kentucky, the religious meetings of the blacks were broken up or interrupted and their Sabbath schools dispersed.'¹²

When the subject of emancipation was under discussion in the Kentucky Synod one of the elders arose and stated that he owned one hundred slaves, nearly all of whom he had inherited. Many of them were so old that they could not provide for themselves, others were women and children whom no one was willing to feed and clothe for their labor. He stated emphatically that he had no desire to hold them in bondage, but that he was willing to do whatever was best for the slaves themselves. If he should free them, what would become of the aged and the women and children? Furthermore, it was a serious matter to give bond and security for the support of so many slaves of different ages and character. He could not send them out of the State, for they were intermarried with the slaves of others; and as to giving them wages, he could not, for they were eating him up as it was. With a feeling of intense interest in the slave and anxiety on his own behalf to do the right, he asked his brethren of the Synod, what he ought to do.¹³ The position of this kind-hearted Kentucky slaveholder shows more clearly than any other picture we could draw the difficulties of emancipation in Kentucky even when one was convinced of the evils of the slavery system.

The final word of the Presbyterian Church on the whole subject of slavery was sounded at its General Assembly in Cincinnati in 1845, when a resolution was adopted, as submitted by Nathan L. Rice, of Kentucky, stating that it was not competent for the church to legislate where Christ and his apostles had not legislated. This, at least for the time being, proved acceptable to the churches south of the Ohio and avoided a breach in the Presbyterians such as had just taken place among the Methodists and Baptists.

The Baptists as a State organization did not pursue a policy similar to that of the Presbyterians. After the

¹² *Op. cit.*, p. 340.

¹³ Blanchard and Rice, *Debate on Slavery*, p. 88.

failure of the emancipationist campaign in 1792 and again at the constitutional convention in 1799 a few members of the Baptist Church began a movement for immediate abolition under the lead of several ministers—Tarrent, Barrow, Sutton, Holmes and others. The policy which they advocated was not only one of immediate abolition but of non-fellowship with the slaveholders within their own denomination. There was no general governing body for the State, as the Baptists had several so-called associations which covered only a few counties each. The trend of opinion throughout the various commonwealth organizations was apparently against the position held by the emancipationist group, for the latter in 1807 withdrew from the regular organizations and established an association of their own which they called the Licking Locust Association. They were only able to muster the assent of twelve churches to their newer group and soon died out in importance.¹⁴ The real sentiment of the Baptists was no doubt much like that of the Presbyterians, but these early advocates of Negro freedom in their own organization were entirely too radical even for their own church membership. Had they followed a course of action and policy more in keeping with their own constituents they might have accomplished much good, whereas, as it was, they only stirred up the feeling within their own denomination to such an extent that thereafter little progress was made towards a policy of even gradual emancipation of the slave.

Throughout the slavery era, however, the Baptists in the State were divided into the "regular" and the "separatists," the former being in favor of non-interference with the question and the latter representing the advocates of emancipation in one form or another. Both agreed that slavery was an evil, but the regular group was unwilling to make it the cause of the expulsion of a slaveholder from the church. In May, 1845, a "Southern Baptist Convention" was held at Augusta, Georgia. The meeting had been hastily called and representatives were present only from

¹⁴Spencer, *History of the Baptists in Kentucky*, Vol. 1, p. 186.

Maryland, South Carolina, North Carolina, Georgia, Alabama, Louisiana, Kentucky, and the District of Columbia. Mississippi, Arkansas, Tennessee and Florida were represented only by letters. The convention had been summoned as a protest against the action of the "Acting Board" of the church in the country in refusing to consent to the appointment of a slaveholder to any field of foreign missionary labors.¹⁵ In June of the same year the Kentucky Baptists for the most part withdrew from the northern organization and pledged themselves to this newly formed southern convention. The creed was not changed. It was simply a matter of rebuke toward the northern section's attitude on the slavery question.¹⁶

The Methodists had also struggled to find a peaceful solution of the problem of harmonizing Christianity with slavery. At the meeting of the General Conference of the Methodist Church in 1845, several days were taken up in the debate over the status of Bishop James Osgood Andrew, of Kentucky. By inheritance and marriage he was a slaveholder. Finally he was requested by a vote of 110 to 68 "to desist from the exercise of the office of Bishop while this impediment remained." The southerners in the convention became unusually indignant, declaring that the infliction of such a stigma upon Bishop Andrew would make it impossible for them to maintain the influence of Methodism in the South.¹⁷ So they withdrew from the convention and in May, 1845, held a convention of the Methodist churches of the Southern States in Louisville. After a nineteen-days' session they decided to set up an organization of their own to be known as the "Methodist Episcopal Church South" and to have their first meeting at Petersburg, Virginia, in May, 1846.¹⁸

The Kentucky Methodist Conference met at Frankfort on September 17, 1845, and the entire attention of the meeting was given over to the question of whether they would

¹⁵ *Niles' Register*, May 24, 1845.

¹⁶ *Ibid.*, June 28, 1845.

¹⁷ *Ibid.*, June 8, 1844.

¹⁸ *Ibid.*, May 17, 24, 31, 1845.

adhere to the general conference or would pledge themselves to the newly formed southern organization. Bishop Andrew appeared at Frankfort at the crucial moment and stated all the facts concerning himself and the action which the Louisville Conference had taken as a result of the trouble in the previous General Conference. By a vote of 146 to 5 they then declared that henceforth they would adhere to the Methodist Episcopal Church South, and that all proceedings, records and official acts would thereafter be in the name of the "Kentucky Conference of the Methodist Episcopal Church South."¹⁹

At its annual conference in 1858 held in Hopkinsville the Louisville Conference held a very heated debate over the rules of the church regarding slaveholders. Finally they voted to expunge from the General Rules the one which forbade "the buying and selling of men, women and children, with the intention to enslave them."²⁰ The regulation thus repealed, although it was a part of the rules of Methodism, was just another indication of the sentiment in Kentucky at that time to resent more and more the encroachments of the North on the slave system of the South and to hang on to the institution with a grim determination. But they were not willing to go to unwarrantable lengths, for at the Kentucky Conference held in Germantown in March, 1860, a proposition submitted by the sister conferences to the South with a view to further altering the rules on slavery was denied.²¹

The churches of Kentucky for the most part pursued a policy of benevolent neutrality in the struggle which the slave forces of the State were having with their neighbors to the North. The Baptists and Methodists within the commonwealth officially never made any positive contribution to the forces of either side, and they took no definite stand until the whole southern division of their general national organization withdrew from membership in the national conventions and set up an organization of their own. When

¹⁹ *Niles' Register*, September 27, 1845.

²⁰ Collins, *History of Kentucky*, Vol. 1, p. 81.

²¹ *Ibid.*, Vol. 1, p. 83.

this much had been done both the Methodists and Baptists of Kentucky pledged their allegiance to their respective newly formed southern conventions. On the other hand the Presbyterians of the State maintained a policy that was distinctively their own, separate and apart from any acts of their national organization. They were the only religious body in Kentucky to issue officially a constructive plan for the betterment of social and economic conditions under slavery. When it came to the advocacy of even gradual emancipation they were careful to state that the plan was only published for the benefit of the slaveholding members of their own religious body. The Presbyterians went further in their interference with the institution of slavery in the State than any other religious body, but even they were not willing to try to extend their home missionary field beyond their own membership. On the whole, the churches in Kentucky merely followed the dictates of public opinion on the subject of slavery, trying to pursue a policy of neutrality as long as possible and then when it was no longer feasible, most of them sided with the slaveholding group. The northern section of none of these religious bodies, however, was driven out of the State. There were a good many of the so-called "northern" churches which remained loyal to the old national organizations.

The summary of the actions of the three principal religious bodies of the State shows that there was a growing sentiment against the institution of slavery. Kentucky being a slaveholding State, the significance of this attitude was very important. While it may be true that the majority sentiment even among the churches was not in favor of the elimination of slavery the very fact that even a minority were coming to the front unmolested by violence and threats and favoring the gradual elimination of the established institution revealed the general trend of public opinion among the people of Kentucky. These measures were taken entirely upon their own initiative and were not prompted by an outside anti-slavery influence.

Any discussion of the evolution of public opinion in

Kentucky on the subject of emancipation and of slavery in general would be incomplete without describing the attitude of Henry Clay toward the institution in Kentucky. During almost the entire period of slavery in Kentucky he was the foremost citizen of the State and one of the principal slaveholders. From those two viewpoints alone anything that he had to say on the local type and problems of slavery is valuable in this connection.

The general position of Clay on the subject of Negro servitude has never been very widely understood. Among the radical abolitionists of the North he was looked upon as a friend of slavery for the sake of political advancement and among the slaveholders in some parts of the South he was regarded as almost a member of the Garrisonian group of the enemies of slavery. To understand Clay's real position we need only to consider his relation to the institution as it existed in his native State.

Coming from Virginia to Lexington in 1797, Clay soon found ample opportunities for a public career. He first came into prominence as a writer on slavery in the columns of the *Lexington Gazette* and the *Kentucky Reporter*. When the constitutional convention of 1799 was called for a revision of the fundamental law of the State Clay bent all his efforts towards the adoption of a system of gradual emancipation for the slaves of Kentucky. It was pointed out that there were relatively few slaves in the State and that a progressive plan of liberation would be much easier than at any future time.

The consensus of opinion at the time was that the emancipationists led by this young man from Virginia would have been successful, had it not been for the intervening excitement produced by the Alien and Sedition Laws and the resulting famous Virginia and Kentucky Resolutions of 1798. Clay threw himself heart and soul into the newer campaign against the mistakes of the Federalists and the former enthusiasm for the gradual freedom of the slaves seems to have died down in his thought as well as among the Kentucky people in general. Thus the constitutional

convention of 1799 left the conditions of slavery as they were.

In a speech delivered three decades later before the Kentucky Colonization Society, Clay said in commenting on his position in 1798: "More than thirty years ago, an attempt was made, in this commonwealth, to adopt a system of gradual emancipation, similar to that which the illustrious Franklin had mainly contributed to introduce in 1780, in the state founded by the benevolent Penn. And among the facts of my life which I look back to with most satisfaction is that of my having cooperated, with other zealous and intelligent friends, to procure the establishment of that system in this state. We were overpowered by numbers, but submitted to the decision of the majority with that grace which the minority in a republic should ever yield to that decision. I have, nevertheless, never ceased, and shall never cease, to regret a decision, the effects of which have been to place us in the rear of our neighbors, who are exempt from slavery, in the state of agriculture, the progress of manufactures, the advance of improvements, and the general progress of society."²² In his famous speech in the Senate on Abolition in 1839, referring further to his activities in 1798, Clay stated that "no one was rash enough to propose or think of immediate abolition. No one was rash enough to think of throwing loose upon the community, ignorant and unprepared, the untutored slaves of the state."²³

Clay's private dealings with the institution were always consistent with his political principles on the subject of slavery. He bought many slaves during his lifetime but he never sold any.²⁴ Clay believed that the slaves should be

²² Schurz, Carl, *Henry Clay*, Vol. 1, p. 31.

²³ Colton, *Works of Clay*, Vol. 6, p. 153.

²⁴ His attitude was perhaps best shown when, on a visit to Richmond, Indiana, in the fall of 1846, he was presented with a petition by a Quaker by the name of Mendenhall asking him to liberate all the slaves he owned. Clay made a rather lengthy speech to the gentleman on the general principles of the question and then came down to the practical side of the problem:

"Without any knowledge of the relation in which I stand to my slaves, or their individual condition, you, Mr. Mendenhall, and your associates, who have been active in getting up this petition, call upon me forthwith to liberate

freed, but at the same time considered the difficulties attendant upon instant emancipation. Among the mass of the slaveholders of the State, Clay was one of the very few who held a perfectly consistent attitude on gradual emancipation as was finally shown by his will.²⁵

the whole of them. Now let me tell you, that some half a dozen of them, from age, decrepitude, or infirmity, are wholly unable to gain a livelihood for themselves, and are a heavy charge upon me. Do you think that I should conform to the dictates of humanity by ridding myself of that charge, and sending them forth into the world with the boon of liberty, to end a wretched existence in starvation? Another class is composed of helpless infants, with or without improvident mothers. Do you believe as a Christian, that I should perform my duty toward them by abandoning them to their fate? Then there is another class who would not accept their freedom if I would give it to them. I have for many years owned a slave that I wished would leave me, but he would not. What shall I do with that class?"

"What my treatment of my slaves is you can learn from Charles, who accompanies me on this journey, and who has traveled with me over the greater part of the United States, and in both the Canadas, and has had a thousand opportunities, if he had chosen to embrace them, to leave me. Excuse me, Mr. Mendenhall, for saying that my slaves are as well fed and clad, look as sleek and hearty, and are quite as civil and respectful in their demeanor, and as little disposed to wound the feelings of any one, as you are."

"I shall, Mr. Mendenhall, take your petition into respectful and deliberate consideration; but before I come to a final decision, I should like to know what you and your associates are willing to do for the slaves in my possession, if I should think proper to liberate them. I own about fifty, who are probably worth about fifteen thousand dollars. To turn them loose upon society without any means of subsistence or support would be an act of cruelty. Are you willing to raise and secure the payment of fifteen thousand dollars for their benefit, if I should be induced to free them? The security of the payment of that sum would materially lessen the obstacle in the way of their emancipation."—Colton, Reed & McKinley, *Works of Henry Clay*, Vol. 6, pp. 388-390.

This sums up in Clay's own words his treatment of the slaves that were under his control. It is not to be presumed in any case that general conditions in the State were like this. There were obvious reasons why Clay couldn't get one or two of his slaves to accept freedom when he offered it, for they realized that they were far better off under his own particular care than they could ever hope to be under an absolutely free status in society.

²⁵ So consistent was Clay in deed as well as words in spite of all that the opposing forces had accomplished in the State of Kentucky that when he died he left a will which did for his own slaves just what he would have had others do in his lifetime. As long as he lived he refused to emancipate his slaves but when he passed away he left a written document, the following portion of which forms the eminent climax to a career of continuous labors for the eventual good of the Kentucky slave owners as well as the slaves themselves.

With a more radical policy than that of Henry Clay the Kentucky Abolition Society had been established as early as 1807, but its membership was composed largely of Presbyterian and Baptist preachers who were not in sympathy with the stand taken by the constitutional convention of 1799. It was not until about 1830 that there began in the State any real movement which was wide enough in influence to be taken as an indication of the trend of public opinion. It will be recalled that it was not until 1835 that the Presbyterian Synod was able to decide on a plan of gradual emancipation.

It was in 1831 that some 48 slaveholders of Kentucky met and declared themselves in favor of the gradual liberation of the slaves.²⁸ James G. Birney, who was at that time living in Danville, took this statement of the slave owners rather seriously and sent out an invitation to the prominent

"In the sale of any of my slaves, I direct that members of families shall not be separated without their consent.

"My will is, and I accordingly direct, that the issue of all my female slaves, which shall be born after the first day of January, 1850, shall be free at the respective ages, of the males at twenty-eight, and of the females at twenty-five; and that the three years next preceding their arrival at the age of freedom, they shall be entitled to their hire or wages for those years, or of the fair value of their services, to defray the expense of transporting them to one of the African colonies and of furnishing them with an outfit on their arrival there.

"And I further direct, that they be taught to read, to write, and to cipher, and that they be sent to Africa. I further will and direct, that the issue of any of the females, who are so to be entitled to their freedom, at the age of twenty-five, shall be free at their birth, and that they be bound out as apprentices to learn farming, or some useful trade, upon the condition also, of being taught to read, to write, and to cipher. And I direct also, that the age of twenty-one having been attained, they shall be sent to one of the African colonies, to raise the necessary funds for which purpose, if they shall not have previously earned them, they must be hired out for a sufficient length of time.

"I require and enjoin my executors and descendants to pay particular attention to the execution of this provision of my will. And if they should sell any of the females who or whose issue are to be free, I especially desire them to guard carefully the rights of such issue by all suitable stipulations and sanctions in the contract of sale. But I hope that it may not be necessary to sell any such persons who are to be entitled to their freedom, but that they may be retained in the possession of some of my descendants."—Colton, Reed & McKinley, Vol. 8, p. 153.

²⁸ Birney, William, *James G. Birney and his Times*, p. 132.

men of the State to attend an emancipation convention on December 6, 1831. After several months of determined effort Birney only succeeded in getting together nine men, all slaveholders. It is evident from the writings of Birney that he thought these men were all determined to free their slaves and that whatever plan he should propose would be accepted. But when the nine slaveholders began to talk about the existing conditions in Kentucky Birney's eyes were opened. It was pointed out that those who advocated immediate emancipation were coming more and more to be victims of social ostracism. Furthermore, Birney learned that there was among the prominent slaveholders of the State a sort of secret organization which had been formed to protect the constitutional rights of Kentucky slaveholders against the encroachments of the people from the North. James G. Birney was one of the most intelligent of the Kentuckians who favored emancipation, but the ardent enthusiasm which he had hitherto held for the future of his cause in Kentucky was decidedly cooled by this little gathering of nine slaveholders. These men showed him a point of view about which he had thought very little. Outside of the new vision which this conference gave to Birney the only result of the deliberations was that there was formed a society of slaveholders which advocated the gradual emancipation of the future offspring of slaves when they reached the age of twenty-one.²⁷

Soon after this episode Birney came out in opposition to both gradual emancipation and colonization. The majority of liberal-minded Kentuckians were coming more and more to believe in these two propositions as the ultimate solution of the slave problems of the State and once Birney came out in opposition to them he was put down as a radical abolitionist. In July, 1835, the feeling of the people of Danville was aroused to the highest pitch and his anti-slavery paper *The Philanthropist* was forced to suspend publication when the local printer was bought out.²⁸ The

²⁷ Birney, William, *James G. Birney and his Times*, p. 133.

²⁸ *Ibid.*, p. 182. The interesting story of Birney and his troubles with his fellow townsmen does not come within the scope of this investigation and

feeling of the people throughout the State, however, was well shown by the fact that for the next two months Birney made personal visits to Lexington, Frankfort and Louisville in an attempt to get a printer to issue his newspaper. He was entirely unsuccessful and on September 13 he wrote to Gerrit Smith that he had determined to move to Cincinnati.²⁹ While the people of the State could not agree with Birney's attitude on slavery they were the first to admire his courage. George D. Prentice, the pro-slavery editor of the *Louisville Journal*, had this comment to make:

"He is an enthusiastic, but, in our opinion, a visionary philanthropist, whose efforts, though well intended, are likely to be of no real service to the cause of humanity. He at least shows, however, that he has the courage to reside among the people whose institutions he assails. He is not like William Lloyd Garrison living in Massachusetts, and opening the battery upon the states five hundred or one thousand miles off. He is not such a coward or fool as to think of cannonading the South from the steeple of a New England meeting house."

The climax of Birney's career in Kentucky had been reached in the early part of 1835 when he split with the Kentucky Colonization Society. Judge Underwood in the annual colonization address at Frankfort had attempted to show that the only way to exterminate slavery in the State was by African colonization. He advocated the expenditure of \$140,000 annually for the transportation of four thousand Negroes between the ages of seventeen and twenty. The plan if followed for fifty years he stated would rid the State of all slaves.³⁰ In a letter to Gerrit Smith on January 31, 1835, Birney voiced his opposition to the plan of Judge Underwood and to any scheme of colonization. Thus on another point he was to be classed as a radical abolitionist and his career of usefulness in Kentucky was at an end. If he had chosen a more middle ground and aided will be found treated at length in William Birney's *James G. Birney and His Times*.

²⁹ Birney, William, *James G. Birney and his Times*, p. 185.

³⁰ *Ibid.*, p. 155.

the cause of colonization, he would no doubt have accomplished much good. As it was, he was forced to leave the State after many threats and thereafter he stormed the institution of slavery in his native State from a safe region north of the Ohio River. From that time on everything that he uttered in opposition to slavery in Kentucky was met with a strong current of opposition. Where Birney might have accomplished much for his native State he really did harm because he went beyond the point where the people would listen to his advice. In September, 1834, he visited Henry Clay and that most liberal of all Kentucky slaveholders pointed out to Birney the error of his ways but the latter showed no signs of listening to advice and thereafter Clay and Birney were sworn political antagonists. Had Birney joined with Clay at this time there might have been a much brighter future in Kentucky for the cause of emancipation. As it was, Birney never receded from his position and when the Presbyterian Synod came out with its plan of gradual emancipation Birney voiced his determined opposition to the scheme because it did not favor the immediate liberation of the slaves.³¹ With the advent of the abolition movement most of the Kentucky masters who were in favor of gradual emancipation receded from their position and held on firmly to the existing institution.³²

³¹ Birney, William, *James G. Birney and his Times*, p. 156.

³² Quick to recognize this tendency, Clay referred to it in his Senate speech of February 7, 1839:

"The proposition in Kentucky for gradual emancipation did not prevail, but it was sustained by a large and respectable minority. That minority had increased, and was increasing, until the abolitionists commenced their operations. The effect has been to dissipate all prospects whatever, for the present, of any scheme of gradual or other emancipation. The people of that state have been shocked and alarmed by these abolition movements, and the number who would now favor a system even of gradual emancipation is probably less than it was in the years 1798-9. At the session of the legislature held in 1837-8 the question of calling a convention was submitted to a consideration of the people by a law passed in conformity with the Constitution of that state. Many motives existed for the passage of the law, and among them that of emancipation had its influence. When the question was passed upon by the people at their last annual election, only about one fourth of the whole voters of the state supported a call of a convention. The apprehension of the danger

The series of events from 1831 to 1835, centering around the activities of Birney, brought the attention of the public to the slavery question more than ever. As was common in all other movements of popular interest it became the custom for local gatherings to be held to discuss the problem. It was always customary at the conclusion of these meetings to draw up a series of resolutions and it is noticeable that they all voiced a similarity of sentiment on the slavery question. A typical set of resolves were those drawn up at a gathering held in Shelbyville in June, 1835:

"Resolved, that the system of domestic slavery as it now exists in this commonwealth, is both a moral and a political evil, and in violation of the rights of man.

"Resolved, as the opinion of this meeting, that the additional value which would be given to our property, and its products by the introduction of free white labor, would in itself be sufficient, under a system of gradual emancipation, to transport the whole of our colored population.

*"Resolved, that no system of emancipation will meet with our approbation, unless colonization be inseparably connected with it, and that any scheme of emancipation which will leave the blacks within our borders, is more to be deprecated than slavery itself."*²²

These resolutions were just another indication that the sentiment of the people of Kentucky during the decade from 1830 to 1840 was in favor of gradual emancipation of the slaves and their colonization in Africa. We have seen that this was the plan of the various church bodies, and also

of abolition was the leading consideration among the people for opposing the call. But for that, but for the agitation of the question of abolition in states whose population had no right, in the opinion of the people of Kentucky, to interfere in the matter, the vote for a convention would have been much larger, if it had not been carried. . . . Prior to the agitation of this subject of abolition, there was a progressive melioration in the condition of the slaves—schools of instruction were opened by humane and religious persons. These are now all checked, and a spirit of insubordination having shown itself in some localities, traceable, it is believed, to abolition movements and exertions, the legislative authority has found it expedient to infuse fresh vigor into the police and the laws which regulate the conduct of the slaves."—Colton, Reed & McKinley, *Works of Henry Clay*, Vol. 6, pp. 153–154.

²² *Niles' Register*, July 4, 1835.

of Kentucky's greatest statesman, Henry Clay. Added to this we find that the majority of the liberal-minded people of the State held to the same conviction. But why, one asks, did all this feeling come to naught. The answer can be better expressed in the words of a contemporary Kentuckian, Nathaniel Shaler: "From the local histories the deliberate student will easily become convinced that if there had been no external pressure against slavery at this time there would still have been a progressive elimination of the slave element from the population by emancipation on the soil, by the sale of slaves to the planters of the Southern States, and by their colonization in foreign parts."⁸⁴

During the decade from 1840 to 1850 this outside pressure of which Shaler speaks was at its height. We have seen typical examples of it within the borders of Kentucky in the discussion of the cases of Delia Webster, Calvin Fairbank and John B. Mahan. The change in the trend of popular thought during this period does not show itself much in the open until 1849, when the third constitutional convention was about to assemble. It was then that all phases of the problem of slavery were discussed, in the press, in the pulpit, on the platform and in the elections. George D. Prentice in an editorial gave the best exposition of Kentucky sentiment. He said: "The sentiment of Kentucky we believe to be, that slavery is an evil which must be borne with patience, simply because there is no known plan for its rapid extinction which would not produce incalculable sacrifices and appalling risks. At the same time we think the people of Kentucky are not inclined to increase the evil, but are inclined to favor its gradual emancipation and remote termination, by prohibiting the further introduction of slaves and by some provision tending to encourage voluntary emancipation with colonization. These measures they believe, taken in connection with the known tendency in widening circles to substitute free for slave labor, will hasten the social revolution in question as fast as it can be

⁸⁴ Shaler, N. S., *Kentucky*, p. 197.

carried with safety to the Commonwealth or with benefit to the colonized negro."³⁵

So universal was this feeling that even Cassius M. Clay, the only real abolitionist left in the State, came out more or less in favor of it. Under his leadership there was held at Frankfort, April 25, 1849, an emancipation convention to which all the more radical element were invited. Clay himself proved to be the most radical member of the convention but when they came to draw up a series of resolutions the only ones to pass were those which favored the absolute prohibition of the importation of any more slaves into Kentucky and the complete power to enforce and perfect, under the new constitution, whenever the people desired it, a system of gradual emancipation of the slaves.³⁶ Here we are confronted with the unusual fact that the radical element of the State agreed with the plan of George D. Prentice, one of the chief pro-slavery men of Kentucky, and with that of Henry Clay.

While sojourning for his health in New Orleans in February, 1849, Clay sent Richard Pindell for publication a letter on the gradual emancipation of slavery in Kentucky, as the State at that time was about to hold another constitutional convention. This long and able document constitutes the most constructive program for the progressive elimination of slavery from the State that was ever drawn up. It embodied not only the fundamental principles of Clay's attitude on the Kentucky slavery question but it undoubtedly typified the real position of the average high-minded Kentucky slaveholder of that day. Clay frankly admitted that he had little hope of the immediate success of the plan, but he thought it was his duty to present the facts of the problem to the people of his own State, at a time when they were about to alter the existing constitution. The spirit of the plan as well as its context shows that Clay had thoroughly considered the emancipation question from all aspects,

³⁵ *Louisville Weekly Journal*, September 26, 1849.

³⁶ *Niles' Register*, May 9, 1849.

Clay, Cassius, *Memoirs*, pp. 175-178.

Collins, *History of Kentucky*, Vol. 1, p. 59.

especially in relation to its practical operation. The actual plan was based on three principles: (1) that any gradual emancipation should be slow in its operation, so as not to disturb the existing habits of society; (2) as an indispensable condition the liberated slaves were to be sent out of the State and colonized in Africa; (3) and the expenses of their transportation and six months subsistence were to be borne by a fund supplied by the labor of the freed negro.

Regarding the progressive plan of liberation, Clay suggested that a certain date, January 1, 1855 or 1860, be fixed for the commencement of the plan. All slaves born after that date were to be free at the age of twenty-five; but they were liable thereafter to be hired out under State authority for a period of not more than three years, in order to raise money to pay for their expenses of transportation to their colony and their subsistence for the term of six months. It was suggested that the offspring of those who were to be free at twenty-five should be free at their birth, but subject to apprenticeship until they reached their majority and then to be hired out as in the case of the parent to pay the expenses of transportation to the colony and their settlement there. In the meanwhile the master would have the usual legal rights over the slaves and could sell, devise or remove them out of the State.

Clay considered colonization to be an indispensable part of his scheme and went so far as to say that he would be "utterly opposed" to any system of emancipation without it. He firmly believed that the nearly two hundred thousand blacks along with their descendants "could never live in peace and harmony and equality with the residue of the population" if they were free. He thought the expense of colonizing should be borne by a fund from the labor of the liberated Negro because he was the individual who secured the most benefit thereby. The non-slaveholder should not be taxed for any share in the expense and the slaveholder would have enough sacrifices to make without any additional financial burdens. Clay figured that the average

annual hire of each slave would be about fifty dollars, or one hundred and fifty dollars for the whole period of three years. One third of this sum would be required for the transportation of the Negro to Africa and the other two thirds would go towards a fund to establish him in his new country.³⁷

The persistence of Clay in his avowed convictions on the subject of slavery and emancipation in Kentucky was kept up in spite of the fact that within a few days after the publication of his plan of emancipation throughout Kentucky the House of Representatives at Frankfort by the unanimous vote of 93 to 0 declared that "we the representatives of the people of Kentucky, are opposed to abolition or emancipation of slavery in any shape or form whatever, except as now provided by the laws and constitution of the state."³⁸ This was their answer to the plea set forth by Clay and strange to say the same group of men voted unanimously at the same session to return Clay for six years more to the United States Senate.

A convention of the so-called "Friends of Constitutional

³⁷ Clay endeavored in his plan to be fair to all parties concerned, not only the Negro but the slave owner as well, as is well evident in the following paragraph, in which he sought to show the justice of his scheme to the holders of Negroes in the State:

"That the system will be attended with some sacrifices on the part of the slaveholders, which are to be regretted, need not be denied. What great and beneficent enterprise was ever accomplished without risk and sacrifice? But these sacrifices are distant, contingent, and inconsiderable. Assuming the year 1860 for the commencement of the system, all slaves born prior to that time would remain such during their lives, and the present loss of the slaveholder would be only the difference in value of the female slave whose offspring, if she had any, born after the first day of January, 1860, should be free at the age of twenty-five or should be slaves for life. In the meantime, if the right to remove or sell the slave out of the State should be exercised, that trifling loss would not be incurred. The slaveholder, after the commencement of the system, would lose the difference between the value of the slaves for life and slaves until the age of twenty-five years. He might also incur some inconsiderable expense in rearing from their birth the issue of those who were to be free at twenty-five, until they were old enough to be apprenticed out; but as it is probable that they would be most generally bound to him, he would receive some indemnity from their services until they attained their majority."

³⁸ Collins, *History of Kentucky*, Vol. 1, p. 58.

Reform" had been held at the State capital on February 5, 1849, and had drawn up a series of twelve resolutions on the several questions which were to be debated in the constitutional convention. They made mention incidentally of the desired reforms in connection with slavery stating "that we do not desire or contemplate any change in the relative condition of master and slave in the new Constitution, and intend a firm and decided resistance to any such change. We have no objection to a proper provision for colonizing the present free blacks, and those who shall hereafter be set free, but protest against abolition or emancipation without the consent of the owner, unless upon full compensation and colonization."³⁹

This element dominated the convention. The body not only ignored any plan of emancipation but drew the reins of the existing institution tighter than ever before by incorporating in the Bill of Rights the famous phrase that "the right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatsoever." Such a statement was, however, not brought on by the words of Clay, but was a direct answer to the "higher law than the constitution" plea of the abolitionists.⁴⁰ The convention amended the standard article on slavery with a section to the effect that the "General Assembly should pass laws

³⁹ *Niles' Register*, February 21, 1849.

⁴⁰ We know how Clay felt about this matter, for he referred to it at length in his speech in the Senate on February 20, 1850, in the debate on the Compromise resolutions. Speaking particularly of his letter of emancipation he declared: "I knew at the moment that I wrote that letter in New Orleans, as well as I know at this moment, that a majority of the people of Kentucky would not adopt my scheme, or probably any project whatever of gradual emancipation. Perfectly well did I know it; but I was anxious that, if any of my posterity, or any human being who comes after me, should have occasion to look into my sentiments, and ascertain what they were on this great institution of slavery, to put them on record then; and ineffectual as I saw the project would be, I felt it was a duty which I owed to myself, to truth, to my country, and to my God, to record my sentiments. The State of Kentucky has decided as I anticipated she would do. I regret it; but I acquiesce in her decision."—Colton, Reed & McKinley, *Works of Henry Clay*, Vol. 3, p. 353.

providing that any free negro or mulatto immigrating to, and any slave thereafter emancipated in, and refusing to leave that State, should be deemed guilty of a felony, punished by confinement in the penitentiary."

The obvious purpose of this amendment was to reduce the number of Negroes in the State. Accordingly every slave emancipated was forced to leave the State and the Negro population was decreased just so much every time any slaves were set free. The convention was thus willing to do something towards eliminating the Negro, but was not in favor of any scheme of a general gradual liberation of the slaves. The necessary legislative act for carrying out the provision of the constitution was enacted March 24, 1851.⁴¹ This law only went half way in that it only prevented those Negroes who had been freed in Kentucky from living in the State. It was not until March 3, 1860, that the prohibition was extended to all free Negro immigration into the State.⁴² An interesting development of this policy was shown in the enactment of the legislature in 1863 which declared it unlawful for any Negro or mulatto claiming to be free under the Emancipation Proclamation to migrate to or remain in the State. Any Negro violating this law was to be treated as a runaway slave.⁴³

The desire of the State authorities to eliminate the free Negro was accompanied by constructive measures in behalf of the emancipated slave. On March 3, 1856, the State legislature passed a law appropriating \$5,000 annually to aid the Kentucky Colonization Society in the transportation of free Negroes to Liberia.⁴⁴ The universal sentiment of the time was that the salvation of the Negro race rested in their elimination from the State even as free men and their transportation to their native African soil. Henry Clay of all others was the most persistent advocate of colonization.

We have seen that the general trend of public opinion from about 1798 had been progressively in favor of gradual

⁴¹ Collins, *History of Kentucky*, Vol. 1, p. 61.

⁴² *Ibid.*, Vol. 1, p. 83.

⁴³ *Session Laws of 1863*, p. 366.

⁴⁴ *Ibid.*, 1856, Vol. 1, p. 50.

emancipation provided it was coupled with some form of colonization which would remove the liberated Negroes from the State. Public sentiment, however, received a serious set-back about 1838 with the beginning of the Underground Railroad system and the incoming of the abolitionist literature. In a speech in the Kentucky legislature of 1838 James T. Morehead, one of the leading anti-slavery statesmen of the State, portrayed the coming of the newer era in the history of Kentucky slavery when the people would make more strenuous efforts to hold firmly to the slavery institution. Morehead pictured the popular mind in these words: "Any man who desires to see slavery abolished—any friend of emancipation, gradual or immediate—who supposes for a moment that now is the time to carry out this favorite policy, must be blind to the prognostics that lower from every quarter of the political sky. Sir, the present is not the period to unmanacle the slave in this or any other state of the Union. Four years ago you might have had some hope. But the wild spirit of fanaticism has done much to retard the work of emancipation and to rivet the fetters of slavery in Kentucky. . . . The advocates of abolition—the phrenzied fanatics of the North, neither sleep nor slumber. Their footsteps are even now to be seen wherever mischief can be perpetrated—and it may be that while the people of Kentucky are reposing in the confidence of fancied security, the tocsin of rebellion may resound through the land—the firebrand of the incendiary may wrap their dwellings in flames—their towns and cities may become heaps of ashes before their eyes and their minds drawn off from all thoughts of reforming the government to consider the means necessary for their self-preservation—the protection of their families and all that is dear to men."⁴⁵

Such was the idea of one of the most prominent public men of Kentucky and such became in time the opinion of the average citizen who had come to believe in gradual emancipation as the hope and solution of the Negro problem in the State. The future course of events regarding slavery in

⁴⁵ *Mayeville Eagle*, April 11, 1838.

Kentucky is to be explained by this radical change of mind. Thus did the wise and constructive plans of the gradual emancipationists come to naught with the incoming of the radical abolitionist movement which the Kentucky populace thought would bring about a civil insurrection among the slaves in their own State. The abolitionists misunderstood the gradual emancipation movement in Kentucky and really fanned the flame of the pro-slavery sentiment that came in its place.

BOOK REVIEWS

The Negro in Literature and Art. By BENJAMIN BRAWLEY. Duffield and Company, New York, 1918. Pp. 176. Price \$1.25.

This is an effort to put in succinct form an estimate of the Negro's efforts in the creative world. The style of the book is largely biographical. The opening chapter deals with Negro genius. Then around such Negroes as Phyllis Wheatley, Paul Laurence Dunbar, Charles W. Chestnutt, W. E. B. DuBois, William Stanley Braithwaite, Meta Warrick Fuller, Henry O. Tanner, Frederick Douglass, and Booker T. Washington are grouped most of the facts as to the achievements of the Negroes in art, literature, and science. In the appendix there is a dissertation on the Negro in American fiction. A helpful bibliography and a short index are also added.

This book is unique in that it is the first work devoted exclusively to this aspect of Negro history. It undertakes "to treat somewhat more thoroughly than has ever before been attempted the achievement of the Negro in the United States along literary and artistic lines, judging this by absolute rather than by partial or limited standards." The work is the result of studies begun by the author years ago and published in booklet form in 1910 as *The Negro in Literature and Art*. The substance of this treatise is found also in Professor Brawley's *A Short History of the American Negro*. Certain articles included therein have already been published in the *Springfield Republican*, *The Southern Workman*, and the *Dial*. The appearance of this work in the new form is justified by the author on the ground that the constantly increasing material in this field has so changed his viewpoint that the time seemed ripe for a more intensive review.

The purpose of the author is a lofty one. Here we see the effort to inform the public that there is among Negroes a growing scholarship which must be reckoned with in determining the thought of this country. It is to convince the public that the Negro mind is functioning along all lines of thought known to other races of achievement. The purpose, too, is to set forth to Negroes examples of successful men and women in this field to serve them as an incentive to contribute to thought. Professor Brawley has, therefore, written an interesting book which should attract all persons desiring to understand those forces at work in

the Negro mind and the manner in which they have found expression.

C. G. WOODSON

Negro Folk Songs. By NATALIE CURTIS BURLIN. Book I. New York and Boston, G. Schirmer. Pp. 42. Price 50 cents.

The unique features of Natalie Curtis Burlin's notation of Negro folk-songs, collected in the South, are their complete truth to the original folk-song, spirit and letter. The spontaneous part-singing of groups of Negroes is a rare phenomenon in folk-music, for most simple people sing only a unisono melody. Mrs. Curtis Burlin, unlike most former collectors, has recorded not only the melody and words, but the whole *choral* folk-song, as sung in the South, with all its different voices. To secure entire accuracy in so difficult a task, a phonograph was used and the work was mainly accomplished in all its wealth of octave at Hampton Institute, Virginia, under the auspices of which the collection was undertaken and for the benefit of which the publications are made. Not content with a by-ear approximation only of the folk-song, Mrs. Burlin gave especial care to the notation of every nuance of Negro singing—organic and rhythmic. The changing nuance syncopations that give such expressive accent to the different solo verses sung by the Negro "leader" have all been caught and put upon paper. Doctor Talcott Williams, of the New York School of Journalism, says that the example of this reverent and scholarly work marks a new era in the collecting of Negro folk-music in this country.

The words of the songs—true folk-poems—have been noted in dialect with the same truth to Negro rendering as the music. Furthermore, the syllables stressed in the music are stressed in the written poem as well; for in the mind of the Negro authors, words and music were one spontaneous creation, and it is the *music* that gives to the words the accent, instead of the words forming the basis of the accentuation of the music, as with us. This reproduction in verse of the original Negro rhythms which are full of unexpected emphasis and captivating syncopation forms a new departure in the manner of writing Negro poems and it is believed that modern poets and writers of *vers libre* will find interest in the richness and variety of Negro rhythms here shown.

Each song is prefaced by a few paragraphs of descriptive text and the dedications of the different records to men who have helped to advance the Negro summarize, in a sense, the progress of the race since emancipation.

The recording of Negro folk-songs was prefaced by Mrs. Burlin by a year's study of the native music of Africa. Doubleday, Page & Co. will bring out in the autumn her book entitled *Songs From the Dark Continent*, containing the results of careful study of native folk-lore and music told and sung by two African boys (one a Zulu and the other from the Ndan tribe) who had come directly to Hampton Institute from the Dark Continent. This book plainly proves the relationship of American Negro music to its parent stem in Africa, and reveals the poetic as well as musical gifts latent in the black race.

The Black Man's Part in the War. By SIR H. H. JOHNSTON. Simpkin Marshall, London, 1917.

Taking into consideration that the United Kingdom now rules 50,000,000 of Africans who are well represented in the battle line by the thousands of Negroes fighting to make democracy safe in the world of the white man, from which the blacks are excluded, this sympathetic writer here endeavors to give these soldiers of color credit for their unselfish services. The highest tribute which he pays them is that their loyalty is incontestable. The writer, therefore, makes an appeal in behalf of safeguarding their interests and reasonably preserving their independence after the war. Having in mind the new alignments of trade, he sees the Africans as the producers of the tropical products which white men will need. Their future loyalty in the competitive commercial world after the war is also necessary to the salvation of the English people in the tropics and at home.

The writer believes too that to secure this necessary loyalty the natives must be given political recognition. The rights of the black man as a citizen of the empire must be affirmed wherever the territories have been under British rule long enough to acquire a very British tone in language, education and ideals. He hopes also that the present tendency of the natives of the late German possessions to prefer the rule of the British to that of their former masters may be further accentuated by the efforts of Englishmen to treat these natives with more consideration. The writer advocates also a fair division of land where the two races are brought into contact with each other as in Rhodesia.

To strengthen the claims he makes for the recognition of the black man the writer has well illustrated his book with plates showing the advancement of Negroes to arouse interest in their behalf. The book is, of necessity, incomplete, as the war has not yet ended;

but, on the whole, students of Negro life and history will find it profitable to read this broad enlightened working program for changing the white man's attitude toward a large part of the human family which not only has done him no great wrong, but has borne his burdens when he has been about to fall beneath the load.

History of the Civil War. By JAMES FORD RHODES, LL.D., D.Litt. McMillan Company, New York. 1861-1865. Pp. 454.

Mr. Rhodes has covered this ground in detail in his *History of the United States* in seven volumes. But this work is not an abridgment of the three volumes of that history dealing with the Civil War. Since writing his first history he has had access to much new material and many valuable treatments of certain periods of the Civil War. He has, therefore, considered it necessary to bring out this new volume that he may show the bearing of these new facts on his grasp of this period of our history.

Influenced by the dominant thought of the present war, Mr. Rhodes treats such conditions as unpreparedness, the privations of the war, lack of tea and coffee, the lack of bread and meat, the difficulty of transportation, conscription, high prices, loans, high taxation, and consequent distress. The Negroes are necessarily mentioned in the discussion of slavery in the territories, the attempted slavery compromises, Lincoln's handling of the question, the effect on them of the movements of the armies, and the efforts at emancipation leading up to the ratification of the Thirteenth Amendment. Mention is also made of the conduct of the slaves who accompanied the Confederates and of those who followed and fought with the Union army.

Mr. Rhodes is here at his best, that is, when writing on the Civil War. But this seems to be mere chance. He writes a good history of the Civil War because he happens to be a Unionist, and no one has yet proved that the Union cause was wrong. He is after all an impressionable historian, accepting almost anything he picks up, but embellishing it so well as to win the American public, whose scholarship has not yet performed the task of publishing an authentic history of the Civil War from the viewpoint of treating the records scientifically. When Rhodes elsewhere takes up the Negro in the Reconstruction he shows his lack of ability as an historian in accepting almost everything which he has heard or read about the Negro and in branding, therefore, as mistakes and failures all of the efforts to elevate the Negro to the dignity of citizenship and to deal with him as a human being.

NOTES

William Bernard Hartgrove, one of the five members who participated in the organization of the Association for the Study of Negro Life and History in Chicago in 1915, died at Albuquerque, New Mexico, on the twenty-fourth of April. In his death the Association lost a substantial supporter and friend. He was an unselfish, wide-awake and enterprising teacher, endeavoring always to be instrumental in the uplift of the Negro. During the last ten years of his life he devoted much of his time and means to the work of the National Association for the Advancement of Colored People, serving the local branch most of that period as secretary. When the Association for the Study of Negro Life and History was organized he was among the first to see its possibilities and to give it financial as well as moral support. He made himself useful in assisting the editor in his arduous duties during the days when the work was in the making. He contributed to the JOURNAL OF NEGRO HISTORY, moreover, a number of articles, among which are: *The Story of Maria Louise Moore and Fannie M. Richards*, *The Negro Soldier in the American Revolution*, and *The Story of Josiah Henson*.

Mention of the slave Archy in Miss Beasley's *Slavery in California* has called forth from a relative of his the following short sketch:

Archy's mother was named Maria. Maria had four children: Archy, Candace, Pompey and Quitman. (I am the daughter of Candace.) At the time Charles A. Stoval took Archy to California, Maria with her other children were with Simeon Stoval, the father of Chas. A. Stoval.

Chas. A. Stoval had been graduated in medicine and had returned home to begin practice, but his health having failed him, he went to California, taking my Uncle Archy with him. My grandmother Maria heard through the relatives of Stoval of Archy during the time Stoval remained in California. But near the close of the Civil War, Chas. A. Stoval returned to Mississippi and remained there until his death a few years later. After Stoval came back from California, my grandmother never heard any more of

her son Archy, except when she once heard that he was with the Indians, who were treating him for some kind of sickness. Whether he died or whether this rumor was put out to keep the Stovals from trying to steal him and bring him back to Mississippi I have never been able to learn. My grandmother Maria continued to search for Archy, by writing several times to San Francisco, but without success. She died in 1884. Pompey and Quitman continued to live near Jackson, Miss., where Quitman died some time ago. Pompey was still alive when I last heard of him.

MRS. R. A. HUNT

German East Africa, by A. F. Calvert, has been published by Werner Laurie, London.

Messrs. Routledge, of London, will soon bring out a volume of *Select Constitutional Documents Illustrating the History of South Africa*.

Dr. H. K. W. Kumm's history of modern missionary work has appeared with imprint of MacMillan with the title *African Missionary Heroes and Heroines*.

Doubleday, Page and Company announce the appearance of *Education and Life*, by Doctor Francis Greenwood Peabody, of Harvard University. This is a short history of Hampton Institute during the last fifty years, prepared at the request of the trustees.

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CONTENTS

C. G. WOODSON: <i>The Beginnings of the Miscegenation of the Whites and Blacks</i>	385
ZITA DYSON: <i>Gerrit Smith's Efforts in behalf of the Negroes in New York</i>	354
FRED LANDON: <i>The Buxton Settlement in Canada</i>	360
DWIGHT O. W. HOLMES: <i>Fifty Years of Howard University, Part II.</i>	368
DOCUMENTS: <i>What the Framers of the Federal Constitution thought of the Negro.</i>	381
<i>Some Undistinguished Negroes</i>	435
BOOK REVIEWS: <i>ZABRISKIE'S The Virgin Islands of the United States of America; BRAWLEY'S Your Negro Neighbor; DOWNING'S The American Cavalryman; PEABODY'S Education for Life.</i>	442
NOTES:	451

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A VALUABLE BOOK

The Education of the Negro Prior to 1861

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"This book is neither a controversial treatise on Negro education nor a study of recent problems. Dr. Woodson has given us something new. He has by scientific treatment amassed numerous facts to show the persistent strivings of ante-bellum Negroes anxious to be enlightened. What they accomplished is all but marvelous."

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OPINIONS

"I like it very much. You seem to have loosened up on your style a bit and you have done an excellent piece of research. . . . I hope that your book will have a good sale."—*Edward Channing, McLean Professor of Ancient and Modern History, Harvard University.*

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CARTER G. WOODSON
EDITOR

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CONTENTS OF VOLUME III

VOL. III., No. 1. JANUARY, 1918.

W. B. HARTGROVE: <i>The Story of Josiah Henson</i>	1
BENJAMIN BRAWLEY: <i>Elizabeth Barrett Browning and the Negro</i>	22
CHARLES E. CHAPMAN: <i>Palmares, The Negro Numantia</i>	29
DELILAH L. BEASLEY: <i>Slavery in California</i>	33
DOCUMENTS:	45
<i>California Freedom Papers.</i>	
<i>Thomas Jefferson's Thoughts on the Negro.</i>	
<i>Some Undistinguished Negroes</i>	90
BOOK REVIEWS:	92
JONES'S <i>Negro Education</i> ; ORTIZ'S <i>Los Negros Esclavos</i> ; PEAR- SON'S <i>The Readjuster Movement in Virginia</i> ; CALHOUN'S <i>The</i> <i>Social History of the American Family, Volume I.</i>	
NOTES:	98

VOL. III., No. 2. APRIL, 1918.

HENRY E. BAKER: <i>Benjamin Banneker, the Negro Mathema- tician and Astronomer</i>	99
JOHN W. DAVIS: <i>George Liele and Andrew Bryan, Pioneer Negro Baptist Preachers</i>	119
DWIGHT O. W. HOLMES: <i>Fifty Years of Howard University, Part I</i>	128
JOHN R. LYNCH: <i>More about the Historical Errors of James F. Rhodes</i>	139
DOCUMENTS:	158
<i>Letters of Governor Edward Coles bearing on the Struggle of Freedom and Slavery in Illinois.</i>	
<i>Some Undistinguished Negroes</i>	196
BOOK REVIEWS:	198
BATES AND STERNS'S <i>Harvard African Studies</i> ; JOHNSON'S <i>Fifty Years and other Poems</i> ; ALEXANDER'S <i>Battles and Vic- tories of Allen Allensworth</i> ; EPSTEIN'S <i>The Negro Migrant in Pittsburgh.</i>	
NOTES:	206

VOL. III., No. 3. JULY, 1918.

IVAN E. McDOUGLE: <i>Slavery in Kentucky</i>	211
I. <i>Introduction</i>	211
II. <i>The Development of Slavery</i>	214
III. <i>The Legal Status of Slavery</i>	240
IV. <i>The Social Status of the Slave</i>	281
V. <i>Public Opinion Regarding Emancipation and Colonisation.</i>	303
BOOK REVIEWS:	329
BRAWLEY'S <i>The Negro in Literature and Art in the United States</i> ; JOHNSTON'S <i>The Black Man's Part in the War</i> ; RHODES'S <i>History of the Civil War</i> ; BURLIN'S <i>Negro Folk Songs, Part I.</i>	
NOTES:	333

VOL. III., No. 4. OCTOBER, 1918.

C. G. WOODSON: <i>The Beginnings of the Miscegenation of the Whites and Blacks</i>	335
ZITA DYSON: <i>Gerrit Smith's Efforts in behalf of the Negroes in New York</i>	354
FRED LANDON: <i>The Buxton Settlement in Canada</i>	360
DWIGHT O. W. HOLMES: <i>Fifty Years of Howard University, Part II</i>	368
DOCUMENTS:	381
<i>What the Framers of the Federal Constitution thought of the Negro.</i>	
<i>Some Undistinguished Negroes</i>	435
BOOK REVIEWS:	442
ZABRISKIE'S <i>The Virgin Islands of the United States of America</i> ; BRAWLEY'S <i>Your Negro Neighbor</i> ; DOWNING'S <i>The American Cavalryman</i> ; PEABODY'S <i>Education for Life.</i>	
NOTES:	451
INDEX TO VOLUME III	455

THE JOURNAL OF NEGRO HISTORY

VOL. III—OCTOBER, 1918—No. 4

THE BEGINNINGS OF THE MISCEGENATION OF THE WHITES AND BLACKS

Although science has uprooted the theory, a number of writers are loath to give up the contention that the white race is superior to others, as it is still hoped that the Caucasian race may be preserved in its purity, especially so far as it means miscegenation with the blacks. But there are others who express doubt that the integrity of the dominant race has been maintained.¹ Scholars have for centuries differed as to the composition of the mixed breed stock constituting the Mediterranean race and especially about that in Egypt and the Barbary States. In that part of the dark continent many inhabitants have certain characteristics which are more Caucasian than negroid and have achieved more than investigators have been willing to consider the civilization of the Negro. It is clear, however, that although the people of northern Africa cannot be classed as Negroes, being bounded on the south by the masses of African blacks, they have so generally mixed their blood with that of the blacks that in many parts they are no nearer to any white stock than the Negroes of the United States.

This miscegenation, to be sure, increased toward the

¹MacDonald, *Trade, Politics and Christianity in Africa and the East*, Chapter on inter-racial marriage, p. 239; and and THE JOURNAL OF NEGRO HISTORY, pp. 329, 334-344.

south into central Africa, but it has extended also to the north and east into Asia and Europe. Traces of Negro blood have been found in the Malay States, India and Polynesia. In the Arabian Peninsula it has been so extensive as to constitute a large group there called the Arabised Negroes. But most significant of all has been the invasion of Europe by persons of African blood. Professor Sergi leads one to conclude that the ancient Pelasgii were of African origin or probably the descendants of the race which settled northern Africa and southern Europe, and are therefore due credit for the achievements of the early Greek and Italian civilizations.²

There is much evidence of a further extension of this infusion in the Mediterranean world.

"Recent discoveries made in the vicinity of the principality of Monaco and others in Italy and western France," says MacDonald, "would seem to reveal . . . the actual fact that many thousand years ago a negroid race had penetrated through Italy into France, leaving traces at the present day in the physiognomy of the peoples of southern Italy, Sicily, Sardinia and western France, and even in the western parts of the United Kingdom of Great Britain and Ireland. There are even at the present day some examples of the Keltiberian peoples of western Scotland, southern and western Wales, southern and western Ireland, of distinctly negroid aspect, and in whose ancestry there is no indication whatever of any connection with the West Indies or with Modern Africa. Still more marked is this feature in the peoples of southern and western France and of the other parts of the Mediterranean already mentioned."³

Because of the temperament of the Portuguese this infusion of African blood was still more striking in their country. As the Portuguese are a good-natured people void of race hate they did not dread the miscegenation of the races. One finds in southern Portugal a "strong Moorish, North African element" and also an "old intermixture with those

² *Report of First Race Congress*, 1911, p. 330; MacDonald, *Trade, Politics, and Christianity*, p. 235; and *Contemporary Review*, August, 1911.

³ *Report of First Races Congress*, 1911, p. 330.

Negroes who were imported thither from Northwest Africa to till the scantily populated southern provinces."⁴ This miscegenation among the Portugese easily extended to the New World. Then followed the story of the Caramarii, the descendants of the Portugese, who after being shipwrecked near Bahia arose to prominence among the Tupi-nambo Indians and produced a clan of half-castes by taking to himself numerous native women.⁵ This admixture served as a stepping stone to the assimilation of the Negroes when they came.

There immigrated later into Brazil other settlers who, mixing eagerly with the Amerindians, gave rise to a race called Mamelucos who began to mix maritally with the imported Negro women. The French and Dutch too in caring for their offspring by native women promoted the same. "They educated them, set them free, lifted them above servitude, and raised them socially to the level of the whites"⁶ so that today generally speaking there are no distinctions in society or politics in Brazil. Commenting on this condition in Brazil, Agassiz said: "This hybrid class, although more marked here because the Indian is added, is very numerous in all cities; perhaps, the fact, so honorable to Brazil, that the free Negro has full access to all privileges of any free citizen, rather tends to increase than to diminish that number." After emancipation in Brazil in 1888, the already marked tendency toward this fusion of the slave and the master classes gradually increased.⁷

The Spaniards mixed less freely with the Negroes than did the Portugese but mixed just the same. At first they seriously considered the inconveniences which might arise from miscegenation under frontier conditions and generally refrained from extensive intermingling. But men are but men and as Spanish women were far too few in the

⁴ Johnston, *The Negro in the New World*, p. 98.

⁵ *Ibid.*, p. 78.

⁶ *Ibid.*, pp. 98-99.

⁷ Authorities consider the Amerindians the most fecund stock in the country, especially when mixed with an effusion of white or black blood. Agassiz, *A Journey in Brazil in 1868*.

New World at that time, the other sex of their race soon yielded to the charms of women of African blood. The rise of the mixed breeds too further facilitated the movement. Spaniards who refused to intermingle with the blacks found it convenient to approach the hybrids who showed less color. In the course of time, therefore, the assimilation of the blacks was as pronounced in some of the Spanish colonies as in those which originally exhibited less race antipathy. There are millions of Hispanicized Negroes in Latin America. Many of the mixed breeds, however, have Indian rather than Negro blood.⁸

Miscegenation had its best chance among the French. Not being disinclined to mingle with Negroes, the French early faced the problem of the half caste, which was given consideration in the most human of all slave regulations, the *Code Noir*.⁹ It provided that free men who had children from their concubinage with women-slaves (if they consented to such concubinage) should be punished by a fine of two thousand pounds of sugar. But if the offender was the master himself, in addition to the fine, the slave should be taken from him, sold for the benefit of the hospital and never be allowed to be freed; excepting, that, if the man was not married to another person at the time of his concubinage, he was to marry the woman slave, who, together with her children, should thereby become free. Masters were forbidden to constrain slaves to marry against their will. Many Frenchmen like those in Haiti married their Negro mistresses, producing attractive half caste women who because of their wealth were sought by gentlemen in preference to their own women without dot.

Among the English the situation was decidedly different. There was not so much need for the use of Negro women by Englishmen in the New World, but there was the same tendency to cohabit with them. In the end, however, the English, unlike the Latins, disowned their offspring by slave women, leaving these children to follow the

⁸ Johnston, *The Negro in the New World*, p. 135.

⁹ *Code Noir*.

condition of their mother. There was, therefore, not so much less miscegenation among the English but there remained the natural tendency so to denounce these unions as eventually to restrict the custom, as it is today, to the weaker types of both races, the offspring of whom in the case of slave mothers became a commodity in the commercial world.

There was extensive miscegenation in the English colonies, however, before the race as a majority could realize the apparent need for maintaining its integrity. With the development of the industries came the use of the white servants as well as the slaves. The status of the one differed from that of the other in that the former at the expiration of his term of service could become free whereas the latter was doomed to servitude for life. In the absence of social distinctions between these two classes of laborers there arose considerable intermingling growing out of a community of interests. In the colonies in which the laborers were largely of one class or the other not so much of this admixture was feared, but in the plantations having a considerable sprinkling of the two miscegenation usually ensued.

The following, therefore, was enacted in Maryland in 1661 as a response to the question of the council to the lower house as to what it intended should become of such free women of the English or other Christian nations as married Negroes or other slaves.¹⁰ The preamble reads: "And forasmuch as divers freeborn *English* women, forgetful of their free condition, and to the disgrace of our nation, do intermarry with negro slaves,¹¹ by which also divers suits may arise, touching the issue of such women, and a great damage doth befall the master of such negroes, for preservation whereof for deterring such free-born women from such shameful matches, *be it enacted*: That whatsoever free-born woman shall intermarry with any

¹⁰ Brackett, *The Negro in Maryland*, pp. 32-33.

¹¹ Benjamin Banneker's mother was a white woman who married one of her own slaves. See Tyson, *Benjamin Banneker*, p. 3.

slave, from and after the last day of the present assembly, shall serve the master of such slave during the life of her husband; and that all the issues of such free-born women, so married, shall be slaves as their fathers were." "And be it further enacted: That all the issues of *English*, or other free-born women, that have already married negroes, shall serve the master of their parents, till they be thirty years of age and no longer."¹²

According to A. J. Calhoun, however, all planters of Maryland did not manifest so much ire because of this custom among indentured servants. "Planters, said he, 'sometimes married white women servants to Negroes in order to transform the Negroes and their offspring into slaves.'^{12a} This was in violation of the ancient unwritten law that the children of a free woman, the father being a slave, follow the status of their mother and are free. The custom gave rise to an interesting case. "Irish Nell," one of the servants brought to Maryland by Lord Baltimore, was sold by him to a planter when he returned to England. Following the custom of other masters who held white women as servants, he soon married her to a Negro named Butler to produce slaves. Upon hearing this, Baltimore used his influence to have the law repealed but the abrogation of it was construed by the Court of Appeals not to have any effect on the status of her offspring almost a century later when William and Mary Butler sued for their freedom on the ground that they descended from this white woman. The Provincial Court had granted them freedom but in this decision the Court of Appeals reversed the lower tribunal on the ground that "Irish Nell" was a slave before the measure repealing the act had been passed. This case came up again 1787 when Mary, the daughter of William and Mary Butler, petitioned the State for freedom. Both tribunals then decided to grant this petition.¹³

¹² *Archives of Maryland, Proceedings of the General Assembly, 1637-1664*, pp. 533-534.

^{12a} Calhoun, *A Social History of the American Family*, p. 94.

¹³ Harris and McHenry Reports, I, pp. 374, 376; II, pp. 26, 38, 214, 233.

The act of repeal of 1681, therefore, is self explanatory. The preamble reads: "Forasmuch as, divers free-born *English*, or white women, sometimes by the instigation, procurement or connivance of their masters, mistresses, or dames, and always to the satisfaction of their lascivious and lustful desires, and to the disgrace not only of the *English*, but also of many other Christian nations, do intermarry with Negroes and slaves, by which means, divers inconveniences, controversies, and suits may arise, touching the issue or children of such free-born women aforesaid; for the prevention whereof for the future, *Be it enacted*: That if the marriage of any woman-servant with any slave shall take place by the procurement of permission of the master, such woman and her issue shall be free." It enacted a penalty by fine on the master or mistress and on the person joining the parties in marriage.¹⁴

The effect of this law was merely to prevent masters from prostituting white women to an economic purpose. It did not prevent the miscegenation of the two races. McCormac says: "Mingling of the races in Maryland continued during the eighteenth century, in spite of all laws against it. Preventing marriages of white servants with slaves only led to a greater social evil, which caused a reaction of public sentiment against the servant. Masters and society in general were burdened with the care of illegitimate mulatto children, and it became necessary to frame laws compelling the guilty parties to reimburse the masters for the maintenance of these unfortunate waifs."¹⁵ To remedy this laws were passed in 1715 and 1717 to reduce to the status of a servant for seven years any white man or white woman who cohabited with any Negro, free or slave. Their children were made servants for thirty-one years, a black thus concerned was reduced to slavery for life and the maintenance of the bastard children of women servants was made incumbent upon masters. If the father of an illegitimate child could be discovered, he would

¹⁴ Hurd, *Law of Freedom and Bondage*, VI, pp. 249-250.

¹⁵ McCormac, *White Servitude in Maryland*, p. 70.

have to support his offspring. If not this duty fell upon the mother who had to discharge it by servitude or otherwise.¹⁶

As what had been done to prevent the admixture was not sufficient, the Maryland General Assembly took the following action in 1728:

"Whereas by the act of assembly relating to servants and slaves, there is no provision made for the punishment of free mulatto women, having bastard children by negroes and other slaves, nor is there any provision made in the said act for the punishment of free negro women, having bastard children by white men; and forasmuch as such copulations are as unnatural and inordinate as between white women and negro men, or other slaves.

"*Be it enacted*, That from and after the end of this present session of assembly, that all such free mulatto women, having bastard children, either within or after the time of their service, (*and their issue*,) shall be subject to the same penalties that white women and their issue are, for having mulatto bastards, by the act, entitled, An act relating to servants and slaves.

"*And be it further enacted*, by the authority aforesaid, by and with the advice and consent aforesaid, That from and after the end of this present session of assembly, that all free negro women, having bastard children by white men, (*and their issue*,) shall be subject to the same penalties that white women are, by the act aforesaid, for having bastards by negro men."¹⁷

Virginia which faced the same problem did not lag far behind Maryland. In 1630 the Governor and Council in Court ordered Hugh Davis to be soundly whipped before an assembly of Negroes and others for abusing himself to the dishonor of God and shame of a Christian by defiling his body in lying with a Negro, which he was to acknowledge next Sabbath day. In 1662 the colony imposed double fines for fornication with a Negro, but did not restrict intermarriage until 1691.¹⁸ The words of the preamble give the reasons for this action. It says:

¹⁶ Act of Assembly, Oct., 1727.

¹⁷ Dorsey, *The General Public Statutory Law and Public Local Law of State of Maryland*, from 1692-1839, p. 79.

¹⁸ Bullagh, *White Servitude in the Colony of Virginia*, pp. 72, 73.

“And for the prevention of that abominable mixture and spurious issue which hereafter may increase in this dominion, as well by negroes, mulattoes, and Indians intermarrying with English, or other white women, as by their unlawful accompanying with one another, *Be it enacted by the authoritie aforesaid, and it is hereby enacted*, That for the time to come, whatsoever English or other white man or woman being free shall intermarry with a negro, mulatto, or Indian man or woman bond or free shall within three months after such marriage be banished and removed from this dominion forever, and that the justices of each respective countie within this dominion make it their perticular care, that this act be put in effectuall execution.”

If any free English woman should have a bastard child by any Negro or mulatto, she should pay the sum of fifteen pounds sterling, within one month after such bastard child should be born, to the church wardens of the parish where she should be delivered of such child, and in default of such payment she should be taken into the possession of the said church wardens and disposed of for five years, and such bastard child should be bound out as a servant by the church wardens until he or she should attain the age of thirty years, and in case such English woman that should have such bastard child be a servant, she should be sold by the church wardens (after her time is expired that she ought by law to serve her master) for five years, and the money she should be sold for divided as before appointed, and the child should serve as aforesaid.¹⁹

It was further provided in 1753 that if any woman servant should have a bastard child by a Negro or mulatto, over and above the year's service due to her master or owner, she should immediately upon the expiration of her time, to her then present master, or owner, pay down to the church wardens of the parish wherein such child should be born for the use of the said parish, fifteen pounds current money of Virginia, or be sold for five years to the use aforesaid; and if a free Christian white woman should

¹⁹ Hening, *The Statutes at Large*, I, pp. 146, 552. II, 170; III, pp. 86-88, 252.

have such bastard child by a Negro, or mulatto, for every such offence, she should within one month after her delivery of such bastard child, pay to the church wardens for the time being, of the parish wherein such child should be born, for the use of the said parish, fifteen pounds current money of Virginia, or be by them sold for five years to the use aforesaid; and in both the said cases, the church wardens should bind the said child to be a servant until it should be of thirty-one years of age.

And for a further prevention of that "abominable mixture, and the spurious issue, which may hereafter increase in this his majesty's colony and dominion as well by English, and other white men and women, intermarrying with Negroes or mulattoes, as by their unlawful coition with them" it was enacted that whatsoever English, or other white man or woman, being free, should intermarry with a Negro, or mulatto man or woman bond or free, should by judgment of the county court, be committed to prison and there remain during the space of six months, without bail or main-prize, and should forfeit and pay ten pounds current money of Virginia, to the use of the parish as aforesaid. It was further enacted that no minister of the Church of England, or other minister or person whatsoever, within that colony and dominion, should thereafter presume to marry a white man with a Negro, or mulatto woman, or to marry a white woman with a Negro or mulatto man, upon pain of forfeiting and paying for every such marriage, the sum of ten thousand pounds of tobacco.²⁰

It developed later that these laws did not meet all requirements, for there were in subsequent years so many illegitimate children born of such mothers that they became a public charge.²¹ Those of Negro blood were bound out by law. According to Russell, "In 1727 it was ordered that David James a free negro boy, be bound to Mr. James Isdel 'who is to teach him to read ye bible distinctly also ye trade

²⁰ Henning, *Statutes at Large*, VI, pp. 360-362.

²¹ Meade, *Old Churches and Families of Virginia*, I, p. 366.

of a gunsmith that he carry him to ye Clark's office & take Indenture to that purpose.' "By the Warwick County court it was 'ordered that Malacai, a mulatto boy, son of mulatto Betty be, by the Church Wardens of this Parish bound to Thomas Hobday to learn the art of a planter according to law.' By order of the Norfolk County court, about 1770, a free negro was bound out 'to learn the trade of a tanner.'"²²

In making more stringent regulations for servants and slaves, North Carolina provided in 1715 that if a white servant woman had a child by a Negro, mulatto or Indian, she must serve her master two years extra and should pay to the Church wardens immediately on the expiration of that time six pounds for the use of the parish or be sold four years for the use aforesaid.²³ A clergyman found guilty of officiating at such a marriage should be fined fifty pounds. This law, according to Bassett, did not succeed in preventing such unions. Two ministers were indicted within two years for performing such a marriage ceremony. "In one case the suit was dropped, in the other case the clergyman went before the Chief Justice and confessed as it seems of his own accord. . . . In 1727 a white woman was indicted in the General Court because she had left her husband and was cohabiting with a negro slave. . . . So far as general looseness was concerned this law of 1715 had no force. Brickell, who was a physician, says that white men of the colony suffered a great deal from a malignant kind of venereal disease which they took from the slaves."²⁴

By the law of 1741 therefore the colony endeavored to prevent what the General Assembly called "that abominable mixture and spurious issue, which hereafter may increase in this government, by white men and women intermarrying with Indians, Negroes, mustees, or mulattoes." It was enacted that if any man or woman, being free, should

²² Russell, *Free Negro in Virginia*, pp. 138-139.

²³ Bassett, *Slavery and Servitude in North Carolina*, p. 83.

²⁴ *Ibid.*, pp. 58-59. See also *Natural History of North Carolina*, p. 48; and Hawk's *History of North Carolina*, II, pp. 126-127.

intermarry with an Indian, Negro, mustee or mulatto man or woman, or any person of mixed blood, to the third generation, bond or free, he should, by judgment of the county court forfeit and pay the sum of fifty pounds, proclamation money, to the use of the parish.²⁵ It was also provided that if any white servant woman should during the time of her servitude, be delivered of a child, begotten by any Negro, mulatto or Indian, such servant, over and above the time she was by this act to serve her master or owner for such offence, should be sold by the Church wardens of the parish, for two years, after the time by indenture or otherwise had expired.²⁶

The miscegenation of the whites and blacks extended so widely that it became a matter of concern to the colonies farther north where the Negro population was not considerable. Seeking also to prevent this "spurious mixt issue" Massachusetts enacted in 1705 that a Negro or mulatto man committing fornication with an "English woman, or a woman of any other Christian nation," should be sold out of the province." "An English man, or man of any other Christian nation committing fornication with a Negro or mulatto woman," should be whipped, and the woman sold out of the province. None of her Majesty's English or Scottish subjects, nor of any other Christian nation within that province should contract matrimony with any Negro or mulatto, under a penalty imposed on the person joining them in marriage. No master should unreasonably deny marriage to his Negro with one of the same nation; any law, usage or custom to the contrary notwithstanding.²⁷

There was much social contact between the white servants and the Negroes in Pennsylvania, where the number of the latter greatly increased during the first quarter of the nineteenth century. Turner says a white servant was indicted for this offence in Sussex County in 1677 and a

²⁵ Potter, *Revised Laws of North Carolina*, I., p. 130.

²⁶ *Ibid.*, I, p. 157.

²⁷ *Massachusetts Charters, etc.*, p. 747; Hurd, *Law of Freedom and Bondage*, VI, p. 262.

tract of land there bore the name of "Mulatto Hall."²⁸ According to the same writer Chester County seemed to have a large number of these cases and laid down the principle that such admixture should be prohibited,

"For that hee," referring to a white man, "Contrary to his Masters Consent hath . . . got wth child a certaine molato wooman Called Swart anna." "David Lewis Constable of Haverford Returned a Negro man of his And a white woman for having a Bastard Childe . . . the Negroe said she Intised him and promised him to marry him: she being examined, Confest the same: the Court ordered that she shall receive Twenty one lashes on her bare Backe . . . and the Court ordered the negroe never more to meddle with any white woman more uppon paine of his life."²⁹

Advertising for Richard Molson in Philadelphia in 1720, his master said, "He is in company with a white woman named Mary, who is supposed now goes for his wife"; "and a white man named Garrett Choise, and Jane his wife, which said white people are servants to some neighbors of the said Richard Tilghman."³⁰ In 1722 a woman was punished for abetting a clandestine marriage between a white woman and a Negro. In the *Pennsylvania Gazette*, June 1, 1749, appeared the notice of the departure of Isaac Cromwell, a mulatto, who ran away with an English servant woman named Anne Greene.³¹

The Assembly, therefore, upon a petition from inhabitants inveighing against this custom enacted a prohibitory law in 1725. This law provided that no minister, pastor or magistrate or other person whatsoever who according to the laws of that province usually joined people in marriage should upon any pretence whatever join in marriage any Negro with any white person on the penalty of one hundred pounds. And it was further enacted that if any white man or woman should cohabit or dwell with any Negro under pretense of being married, such white man or woman

²⁸ Turner, *The Negro in Pennsylvania*, pp. 29-30.

²⁹ *Ibid.*, p. 30.

³⁰ *The American Weekly Mercury* (Philadelphia), August 20, 1720.

³¹ *The Pennsylvania Gazette*, June 1, 1749.

should be put out of service as above directed until they come to the age of thirty-one years; and if any free Negro man or woman should intermarry with a white man or woman, such Negro should become a slave during life to be sold by order of the justice of the quarter sessions of the respective county; and if any free Negro man or woman should commit fornication or adultery with any white man or woman, such Negro or Negroes should be sold as a servant for seven years and the white man or woman should be punished as the law directs in cases of adultery or fornication.³²

This law seemed to have very little effect on the miscegenation of the races in certain parts. In Chester County, according to the records of 1780, mulattoes constituted one fifth of the Negro population.³³ Furthermore, that very year when the State of Pennsylvania had grown sufficiently liberal to provide for gradual emancipation the law against the mingling of the races was repealed. Mixed marriages thereafter became common as the white and the blacks in the light of the American Revolution realized liberty in its full meaning. Thomas Branagan said:

"There are many, very many blacks who . . . begin to feel themselves consequential, . . . will not be satisfied unless they get white women for wives, and are likewise exceedingly impertinent to white people in low circumstances. . . . I solemnly swear, I have seen more white women married to, and deluded through the arts of seduction by negroes in one year in Philadelphia, than for eight years I was visiting (West Indies and the Southern States). I know a black man who seduced a young white girl . . . who soon after married him, and died with a broken heart. On her death he said that he would not disgrace himself to have a negro wife and acted accordingly, for he soon after married a white woman. . . . There are perhaps hundreds of white women thus fascinated by black men in this city, and there are thousands of black children by them at present."³⁴

³² *Statutes at Large*, IV, p. 62.

³³ Turner, *The Negro in Pennsylvania*, p. 31.

³⁴ Branagan, *Serious Remonstrances*, pp. 68, 69, 70, 71, 73, 74, 75, 102; *Somerset Whig*, March 12, 1818, and *Union Times*, August 15, 1834.

A reaction thereafter set in against this custom during the first decade of the nineteenth century, when fugitives in the rough were rushing to that State, and culminated in an actual campaign against it by 1820. That year a petition from Greene County said that many Negroes had settled in Pennsylvania and had been able to seduce into marriage "the minor children of the white inhabitants."³⁵ This county, therefore, asked that these marriages be made an offence against the laws of the State. Such a marriage was the cause of a riot in Columbia in 1834 and in 1838 the members of the Constitutional Convention engaged in a heated discussion of the custom.³⁶ Petitions were frequently sent to the legislature asking that this admixture be penalized by law, but no such action was ever taken. Relying upon public opinion, however, the advocates of racial integrity practically succeeded. Marriages of whites and blacks eventually became so odious that they led to disturbances as in the case of the riot of 1849, one of the causes of which was that a white man was living with a Negro wife.³⁷ This was almost ineffective, however, in the prevention of race admixture. Clandestine intermingling went on and tended to increase in enormous proportions. The conclusive proof of this is that in 1860 mulattoes constituted one third of the Negro population of Pennsylvania.

Persons who professed seriously to consider the future of slavery, therefore, saw that miscegenation and especially the general connection of white men with their female slaves introduced a mulatto race whose numbers would become dangerous, if the affections of their white parents were permitted to render them free.³⁸ The Americans of the future would thereby become a race of mixed breeds rather than a white and a black population. As the lust of white persons for those of color was too strong to prevent this miscegenation, the liberty of emancipating their mulatto off-

³⁵ *Journal of Senate*, 1820-1821, p. 213; and *American Daily Advertiser*, January 23, 1821.

³⁶ *Proceedings and Debates of the Convention of 1838*, X, p. 230.

³⁷ *The Spirit of the Times*, October 10, 11, 12, 13, 17, 19, 1849.

³⁸ Harriet Martineau, *Views of Slavery and Emancipation*, p. 10.

spring was restricted in the slave States but that of selling them remained.³⁹

These laws eventually, therefore, had their desired effect. They were never intended to prevent the miscegenation of the races but to debase to a still lower status the offspring of the blacks who in spite of public opinion might intermarry with the poor white women and to leave women of color without protection against white men, who might use them for convenience, whereas white women and black men would gradually grow separate and distinct in their social relations. Although thereafter the offspring of blacks and whites did not diminish, instead of being gradually assimilated to the type of the Caucasian they tended to constitute a peculiar class commonly called people of color having a higher social status than that of the blacks but finally classified with all other persons of African blood as Negroes.

While it later became a capital offence in some of the slave States for a Negro man to cohabit with a white woman, Abdy who toured this country from 1833 to 1834 doubted that such laws were enforced. "A man," said he, "was hanged not long ago for this crime at New Orleans. The partner of his guilt—his master's daughter—endeavored to save his life, by avowing that she alone was to blame. She died shortly after his execution."⁴⁰ With the white man and the Negro woman the situation was different. A sister of President Madison once said to the Reverend George Bourne, then a Presbyterian minister in Virginia: "We Southern ladies are complimented with the name of wives; but we are only the mistresses of seraglios." The masters of the female slaves, however, were not always the only persons of loose morals. Many women of color were also prostituted to the purposes of young white men⁴¹ and overseers.⁴² Goodell reports a well-authenti-

³⁹ Hart, *Slavery and Abolition*, p. 182; *Censuses of the United States*.

⁴⁰ Abdy, *North America*, I, p. 160.

⁴¹ Child, *Anti-slavery Catechism*, p. 17; 2 *Howard Mississippi Reports*, p. 837.

⁴² Kemble, *Georgian Plantation*, pp. 140, 162, 199, 208-210; Olmstead, *Seaboard States*, pp. 599-600; Rhodes, *United States*, I, pp. 341-343.

cated account of a respectable Christian lady at the South who kept a handsome mulatto female for the use of her genteel son, as a method of deterring him, as she said, "from indiscriminate and vulgar indulgences."⁴³ Harriet Martineau discovered a young white man who on visiting a southern lady became insanely enamored of her intelligent quadroon maid. He sought to purchase her but the owner refused to sell the slave because of her unusual worth. The young white man persisted in trying to effect this purchase and finally informed her owner that he could not live without this attractive slave. Thereupon the white lady sold the woman of color to satisfy the lust of her friend.⁴⁴

The accomplishment of this task of reducing the free people of color to the status of the blacks, however, was not easy. In the first place, so many persons of color had risen to positions of usefulness among progressive people and had formed connections with them that an abrupt separation was both inexpedient and undesirable. Exceptions to the hard and fast rules of caste were often made to relieve the people of color. Moreover, the miscegenation of the races in the South and especially in large cities like Charleston and New Orleans had gone to the extent that from these centers eventually went, as they do now, a large number of quadroons and octoroons,⁴⁵ who elsewhere crossed over to the other race.

White men ashamed of the planters who abused helpless black women are now trying to minimize the prevalence of this custom. Such an effort, however, means little in the face of the facts that one seventh of the Negroes in the United States had in their veins any amount of Caucasian blood in 1860 and according to the last census more than one fifth of them have this infusion. Furthermore the testimony of travelers in this country during the slavery

⁴³ Goodell, *Slave Code*, pp. 111-112.

⁴⁴ Harriet Martineau, *Views of Slavery and Emancipation*, p. 13.

⁴⁵ Featherstonaugh, *Excursion*, p. 141; Buckingham, *Slave States*, I, p. 358.

period support the contention that race admixture was common.⁴⁶

So extensive did it become that the most prominent white men in the country did not escape. Benjamin Franklin seems to have made no secret of his associations with Negro women.⁴⁷ Russell connects many of these cases with the master class in Virginia.⁴⁸ There are now in Washington Negroes who call themselves the descendants of two Virginians who attained the presidency of the United States.

The abolitionists made positive statements about the mulatto offspring of Thomas Jefferson. Goodell lamented the fact that Jefferson in his will had to entreat the legislature of Virginia to confirm his bequest of freedom to his own reputed enslaved offspring that they might remain in the State of their nativity, where their families and connections were.⁴⁹ Writing in 1845, the editor of the *Cleveland American* expressed regret that notwithstanding all the services and sacrifices of Jefferson in the establishment of the freedom of this country, his own son then living in Ohio was not allowed to vote or bear witness in a court of justice. The editor of the *Ohio Star* said: "We are not sure whether this is intended as a statement of actual fact, or of what might possibly and naturally enough be true."

⁴⁶ Writing of conditions in this country prior to the American Revolution, Anne Grant found only two cases of miscegenation in Albany before this period but saw it well established later by the British soldiers. Johann Schoepf—witnessed this situation in Charleston in 1784. J. P. Brissot saw this tendency toward miscegenation as a striking feature of society among the French in the Ohio Valley in 1788. The Duke of Saxe-Weimar-Eisenach was very much impressed with the numerous quadroons and octoroons of New Orleans in 1825 and Charles Gayarré portrayed the same conditions there in 1830. Frederika Bremer frequently met with this class while touring the South in 1850. See Grant, *Memoirs of An American Lady*, p. 28; Schoepf, *Travels in the Confederation*, II, p. 382; Brissot, *Travels*, II, p. 61; Saxe-Weimar, *Travels*, II, p. 69; Grace King, *New Orleans*, pp. 346-349; Frederika Bremer, *Homes of the New World*, I, pp. 325, 326, 382, 385.

⁵² *The American Journal of Sociology*, XXII, p. 98.

⁴⁷ *Ibid.*, XXII, p. 98.

⁴⁸ See Russell, *Free Negro in Virginia*, p. 127.

⁴⁹ Goodell, *Slave Code*, p. 376.

The Cincinnati Herald inquired: "Is this a fact? If so, it ought to be known. Perhaps 'the Democracy' might be induced to pass a special act in his favor." *The Cleveland American*, therefore, added: "We are credibly informed that a natural son of Jefferson by the celebrated 'Black Sal,' a person of no little renown in the politics of 1800 and thereafter, is now living in a central county of Ohio. We shall endeavor to get at the truth of the matter and make public the result of our inquiries."⁵⁰

A later report of miscegenation of this kind was recorded by Jane Grey Swisshelm in her *Half a Century*, where she states that a daughter of President John Tyler "ran away with the man she loved in order that she might be married, but for this they must reach foreign soil. A young lady of the White House could not marry the man of her choice in the United States. The lovers were captured and she was brought to His Excellency, her father, who sold her to a slave-trader. From that Washington slave-pen she was taken to New Orleans by a man who expected to get twenty-five hundred dollars for her on account of her great beauty."⁵¹

CARTER G. WOODSON

⁵⁰ *The Liberator*, December 19, 1845.

⁵¹ Swisshelm, *Half a Century*, p. 129.

GERBIT SMITH'S EFFORT IN BEHALF OF THE NEGROES IN NEW YORK

During the first half of the nineteenth century, the condition of the free Negroes in the Southern States became more and more critical. The doctrine of the rights of man, which had swept over the world in the latter part of the eighteenth century had had its effect on the colonists and resulted in the manumission of many slaves. These freedmen taking advantage of their economic and educational opportunities became an ever increasing menace to the social institutions that had no foundation except that of slavery. Ambitious, often aggressive, they were a constant source of dissatisfaction because of the unhappy comparison of their lot with that of the slaves. They, moreover, encouraged the slaves to improve their condition and to escape to the North. This situation was rendered still more critical for the reason that the South, considering slavery indispensable to its economic life, was already being lashed into a frenzy to gain new slave territory and to strengthen the institution by every possible method of oppression of the blacks. Measures inimical to the economic progress of freedmen were enacted.¹ Many who had been manumitted were seized and again reduced to slavery. Educational opportunities were restricted or denied. Legally they were without voice and hence could secure no redress when wronged.²

This economic poverty, insecurity of personal liberty, and absolutely negative political status, impelled the freedmen to find better conditions in the North. The reaction against plantation life and the glittering attractions of the

¹ See the session laws of the State Legislatures, and Woodson's *Education of the Negro Prior to 1861*, pp. 151-178.

² Goodell, *Slave Code*, and Hurd, *The Law of Freedom and Bondage*, II, pp. 1-218.

large city with the prospect of earning money less arduously no doubt account for their influx into the industrial centers.³ These free blacks migrated in great numbers especially to New York and Philadelphia. The Colonization Society attempted to solve the problem by effecting the colonization of the free Negroes somewhere either within or without the United States. Many friends of the Negroes and even some of the Negroes themselves thought favorably of the idea and a few small colonies were formed in the Western States and in Liberia.⁴

Among the anti-slavery men who at first saw no fault in the aims of the Colonization Society was Gerrit Smith. The son of a slave owner in the State of New York, he was acquainted with slavery in the milder form in which it existed in the North. It was just two years before his birth that the legislature of New York passed its act of emancipation providing that all children after the year 1799 should be free, the males on reaching the age of twenty-eight years and the female twenty-five. His father, Peter Smith, was a slaveholder and the owner of extensive lands in the counties of northern New York; and even before his death the management of these vast properties devolved upon his son.

He soon became deeply interested in the uplift of the slaves and endeavored to improve their condition by gradual emancipation looking forward to colonization. As early as 1834, his diary shows a growing belief in the universal right to liberty. Years ripened this belief and also developed his anti-land-monopolist principles, both of which reached fruition in his act of 1846, by which he gave away thousands of acres of land. He severed his connection with the Colonization Society when that body overtly declared that it was not a society for the abolition of slavery nor for the improvement of the blacks nor for the suppression of the slave trade, and he threw his energy into the work of abolition as fervently, if not as drastically, as Garrison.⁵

³ Woodson, *A Century of Negro Migration*, Chapter II.

⁴ The JOURNAL OF NEGRO HISTORY, I, p. 276; II, p. 209.

⁵ Frothingham, *Gerrit Smith*, pp. 94-143.

Anti-land-monopolist as he was, Gerrit Smith believed that the life of the small free farmer was calculated to develop thrift and self respect in the character of the colored freedmen that he saw crowded in sections of the large cities. For although enjoying greater security of personal liberty, the mass of colored people in New York State had not made much economic progress, even to the extent of possessing property valued at two hundred and fifty dollars, which in that State would have entitled them to the right to vote.⁶ He said that he had for years indulged the thought that when he had sold enough land to pay his debts, he would give away the remainder to the poor. He was an Agrarian, who wanted every man desirous to own a farm to have one. He, therefore, felt that it was safe to make a beginning in the work of distributing land to individuals. He had theretofore given tracts of land to public institutions and a few small parcels to individuals, but had not entered upon the larger task of making large donations of land to the poor.

He then planned to transfer three thousand parcels of land of forty to sixty acres each during the following three years. To whom among the poor he should make these deeds, was a question he could not hastily solve. He was sure, however, that, inasmuch as his home and the land were both in the State of New York, it would be very suitable to select his beneficiaries from among the people of that State. But for a long time, he was at a loss to decide, whether to take his beneficiaries generally from the meritorious poor or only from the deserving Negroes. He said, "I could not put a bounty on color. I shrank from the least appearance of doing so, and if I know my heart, it was equally compassionate toward such white and black men as are equal sufferers."⁷ In the end, however, he concluded to confine his gifts to Negroes.

He would not have come to this conclusion he said, if the land he had to give away had been several times as much

⁶ Hurd, *Law of Freedom and Bondage*, II, p. 56.

⁷ Frothingham, *Gerrit Smith*, p. 103.

as it was, nor if the Negroes, the poorest of the poor, had not been the most deeply wronged class of the citizens. "That they are so," said he, "is evident, if only from the fact, that the cruel, killing, Heaven-defying prejudice of which they are victims, has closed against them the avenues to riches and respectability—to happiness and usefulness. That they are so, is also evident from the fact, that, whilst white men in this State, however destitute of property, are allowed to vote for Civil Rulers, every colored man in it who does not own landed estate to the value of two-hundred and fifty dollars, is excluded from the exercise of this natural and indispensably protective right."⁸ He confessed that he was influenced by the consideration that there was great encouragement to improve the condition of the Negroes, because every amelioration in it contributed to loosen the bands of the enslaved portion of their outraged and afflicted race.

He, therefore, requested Reverend Theodore S. Wright, Reverend Charles B. Ray, and Dr. J. McCune Smith, three representative Negroes of New York City, to make out a list of the Negroes who should receive from him parcels of land. His only restrictions upon them in making this selection were that they should choose no person younger than twenty-one and no person older than sixty; that they accept no person who was in easy circumstances as to property; and no one who was already the owner of land, and no drunkards.⁹ He further promised to pay all taxes as well as purchase money and interest due to the State of New York hoping that none of the parcels would be sold for the non-payment of taxes.¹⁰ The total number of colonists were to be one thousand nine hundred and eighty-five, to be distributed as follows: in the county of Suffolk, 127; Queens, 215; Kings, 197; New York, 861; Richmond, 832; Rockland, 331; Westchester, 115; Dutchess, 150; Sullivan, 5; Ulster,

⁸ Frothingham, *Gerrit Smith*, 104.

⁹ *Letter of Gerrit Smith to Theodore S. Wright, Charles B. Ray, and J. McCune Smith.*

¹⁰ *Ibid.*

106; Orange, 136; and Putnam, 10. Although this distribution was suggested the actual grants seem to have been made in the counties of Franklin, Essex, Hamilton, Fulton, Oneida, Delaware, Madison and Ulster.

On September 9, 1846, he wrote again to three gentlemen of color, saying that a thousand of the deeds were already in the hands of the committee for distribution. He had saved them the expense of securing the certificate of the County Clerk by having the acknowledgment of the execution taken by a Supreme Court judge. The only expense left for the beneficiaries to bear was the recording of the deed. The letter closed with a request that the three gentlemen prepare and send out a circular among the persons receiving the deeds, making known to them the conditions and reasons which actuated him in bestowing the land. This was done and the recipients were exhorted to profit by the chance to become land owners and thereby secure their right to vote.

These lands, as Smith realized and admitted, were not all arable but many of them had considerable timber. Such property today would be considered valuable, but in those days of plentitude it passed as undesirable. Some of his enemies accused him of making for himself a reputation for generosity by giving away useless land. There is no evidence, however, that such accusations were made by the Negroes.¹¹ But be that as it may, the experiment was a failure. It was not successful because of the intractability of the land, the harshness of the climate, and in a great measure, the inefficiency of the settlers. They had none of the qualities of farmers. Furthermore, having been disabled by infirmities and vices they could not as beneficiaries answer the call of the benefactor. Peterboro, the town opened to Negroes in this section did maintain a school and served as a station of the underground railroad but the agricultural results expected of the enterprise never materialized.¹² The main

¹¹ *Special Report of the U. S. Commissioner of Education on the Schools of the District of Columbia*, 1871, p. 367; *The African Repository*, X, p. 312.

¹² Frothingham, *Gerrit Smith*, p. 73.

trouble in this case was the impossibility of substituting something foreign for individual enterprise.

The failure of the enterprise did not cause this philanthropist to cease his activities in behalf of freedom and justice to the Negroes. He continued a staunch abolitionist, demanding unconditional emancipation of the slaves and leaving undone nothing which might effect this change. He was once intimately associated with John Brown, who at one time left his home and purchased from Smith a farm in the Negro colony in order to live with the blacks and help them to improve their economic condition. Smith lived until 1874, long enough to see the Negroes freed and many of them making elsewhere that economic progress which was the dream of his earlier years.

ZITA DYSON

THE BUXTON SETTLEMENT IN CANADA

The Buxton, or Elgin Association Settlement, in Kent county, western Ontario, was in many respects the most important attempt made before the Civil War to found a Negro refugee colony in Canada. In population, material wealth and general organization it was outstanding, and the firm foundation upon which it was established is shown by the fact that today, more than half a century after emancipation, it is still a prosperous and distinctly Negro settlement.

The western peninsula of Ontario, lying between Lakes Huron and Erie, was long the Mecca of the fugitive slave. Bounded on the east by the State of New York, on the west by Michigan, and on the south by Ohio and northwestern Pennsylvania, this was the part of Canada most easily reached by the fugitive; and Niagara, Cleveland, Detroit and other lake ports saw thousands of refugees cross narrow strips of water to "shake the lion's paw" and find freedom in the British queen's dominions. During the forties and fifties there was a constant stream of refugees into Canada. As many as thirty in a day would cross the Detroit River at Fort Malden alone. Many of these went to the cities and towns, but others found greater happiness in the separate Negro communities which grew up here and there.

The history of the Buxton settlement, one of these, is closely linked with the name of Rev. William King. King was a native of Londonderry, Ireland, a graduate of Glasgow College, who had emigrated to the United States and become rector of a college in Louisiana. Later he returned to Scotland, studied theology in the Free Church College, Edinburgh, and in 1846 was sent out to Canada as a missionary of the Free Church of Scotland. While he was living in Louisiana he became, through marriage, the owner

of fifteen slaves of an estimated value of \$9,000. For a time he placed them on a neighboring plantation and gave them the proceeds of their labor but that did not satisfy his conscience and in 1848 he brought them to Canada, thereby automatically giving them their freedom. His effort on their behalf did not end here. Having brought them to this new country, he felt it a duty to look after them, to educate and make of them useful citizens. The same thing, he believed, could be done for others in like circumstance.

The first effort to secure a tract of land for the refugees was made by the Rev. Mr. King as the representative of the Presbyterian Church. This application was before the Executive Council of the Canadian Government in September, 1848, but was not successful. Steps were at once taken to organize a non-sectarian body to deal with the government and this new body took the name of the Elgin Association in honor of the then governor-general of the Canadas who seems to have been well disposed toward the refugees. The Elgin Association was legally incorporated "for the settlement and moral improvement of the colored population of Canada, for the purpose of purchasing crown or clergy reserve lands in the township of Raleigh and settling the same with colored families resident in Canada of approved moral character."¹ Rev. Dr. Connor was the first president; Rev. Dr. Willis, of Knox College, Toronto, first vice-president, and Rev. William King, second vice-president. J. T. Matthews was the secretary, J. S. Howard, treasurer, while the original directors were E. A. T. McCord, Walter McFarland, Peter Freland, Charles Bercsy, W. R. Abbott, John Laidlaw, E. F. Whittesend and James Brown. These are the names that appear upon the petition to the government for lands, the original of which is in the Dominion Archives.

There were difficulties in securing the land. Decided opposition to the whole project made itself manifest in Kent county.² In Chatham, the county town, a meeting of pro-

¹ Drew, *A North-Side View of Slavery*, 1856, p. 292.

² Documents in Canadian Archives Department.

test was held. The plans of the Elgin Association were condemned and a resolution was passed setting forth objections to selling any of the public domain "to foreigners, the more so when such persons belong to a different branch of the human family and are black." A vigilance committee was appointed to watch the operations of the Elgin Association while the various township councils interested were requested to advance the necessary funds for carrying on the campaign. That there was some dissent, however, even in Chatham is shown by the fact that one Henry Gouins was allowed to speak in favor of the Association. The vigilance committee soon issued a small pamphlet, made up chiefly of the speeches and resolutions of the public meeting. The name of Edwin Larwill, member of Parliament for the county of Kent, appears as one of those most active in opposition to the settlement plan. Larwill had a record for hostility to the colored people though at election times he was accustomed to parade as their friend. In 1856 he introduced in the House of Assembly a most insulting resolution³ calling for a report from the government on "all negro or colored, male or female quadroon, mulatto, samboes, half breeds or mules, mongrels or conglomerates" in public institutions. Larwill was at once called to account for his action and a resolution was introduced calling upon him to retract.

The opposition of Larwill and his supporters failed to impede the progress of the Association and a tract of about 9000 acres, lying to the south of Chatham and within a mile or two of Lake Erie, was purchased. This was surveyed and divided into small farms of fifty acres each, roads were cut through the dense forest and the first settlers began the arduous work of clearing. The colonists were allowed to take up fifty acres each at a price of \$2.50 per acre, payable in ten annual instalments.⁴ Each settler was bound within a certain period to build a house at least as good as the model house set up by the Association, to provide himself

³ *Toronto Weekly Globe*, January 1, 1858.

⁴ Drew, *A North-Side View of Slavery*, 1856, pp. 292-293.

with necessary implements and to proceed with the work of clearing land. The model house after which nearly all the dwellings were copied was 18 by 24 feet, 12 feet in height and with a stoop running the length of the front. Some of the settlers were ambitious enough to build larger and better houses but there were none inferior to the model. The tract of country upon which the settlers were located was an almost unbroken forest. The ground was level, heavily timbered with oak, hickory, beech, elm, etc. Part of the soil was a deep rich black loam. Trees two to four feet in diameter were common and the roads cut through to open up settlement were hardly more than wide lanes. Rev. Mr. King thought that one reason for the colony's success was the fact that so many of the settlers were good axe men. Their industry was remarkable and some of the more industrious paid for their land in five or six years and took up more to clear.⁵

⁵ The slaves who had been freed by Mr. King formed the nucleus of the colony but others came as soon as the land was thrown open. The advances made by this colony during the first years of its existence were remarkable. The third annual report for the year 1852, showed a population of 75 families or 400 inhabitants, with 350 acres of land cleared and 204 acres under cultivation. A year later, the fourth annual report showed 130 families or 520 persons, with 500 acres of land cleared and 135 partially cleared, 415 acres being under cultivation in 1853. The live stock was given as 128 cattle, 15 horses, 30 sheep and 250 hogs. The day school had 112 children enrolled and the Sabbath School 80.

The fifth report, for the year 1854, showed 150 families in the colony or immediately adjoining it, 726 acres of land cleared, 174 acres partially cleared and 577 acres under cultivation. In the year there had been an increase of cleared land amounting to 226 acres and of land under cultivation of 162 acres. The livestock consisted of 150 cattle and oxen, 38 horses, 25 sheep and 700 hogs. The day school had 147 on the roll and the Sabbath School 120. A second day school was opened that year.

The sixth annual report (1855) shows 827 acres of land cleared and fenced and 216 acres chopped and to go under cultivation in 1856. There were 810 acres cultivated that year while the live stock consisted of 190 cattle and oxen, 40 horses, 38 sheep and 600 hogs. The day school had an enrollment of 150. Among the advances of this year was the erection of a saw and grist mill which supplied the colony with lumber and with flour and feed. The building of the saw mill meant added prosperity, for an estimate made in 1854 placed the value of the standing timber at \$127,000.

A representative of the *New York Tribune* visited the colony in 1857 and

There are several contemporary references to the sobriety and morality of the colonists. The *New York Tribune* correspondent in 1857 was able to report that liquor was neither made nor sold in the colony and that drunkenness was unknown. There was no illegitimacy and there had been but one arrest for violation of the Canadian laws in the seven years of the colony's history. Though the Presbyterian church gave special attention to the Buxton colony this did not hinder the growth of other sects, Methodists and Baptists both being numerous, though the best of feeling seems to have prevailed and many who retained their own connection were fairly regular attendants at Mr. King's services.

The *Tribune* article gives an interesting description of the homes. The cabins, though rough and rude, were covered with vines and creepers with bright flowers and vegetable gardens round about. Despite the pioneer conditions there abounded comfort and plenty of plain homemade furniture. Pork, potatoes and green corn were staple items of the menu. Of King's former slaves the *Tribune* reports that three had died, nine were at Buxton, one was married and living in Chatham and two others in Detroit were about to return. The *Tribune* reports on one case as typical of what was being achieved by the colony. A colored man, fourteen years before a slave in Missouri and who had been at Bux-

his description of what he saw was reprinted in the *Toronto Globe* of November 20, 1857. The colony was then seven years old and had a population of about 200 families or 800 souls. More than 1,000 acres had been completely cleared while on 200 acres more the trees had been felled and the land would be put under cultivation the next spring. The acreage under cultivation in the season of 1857 he gives as follows: corn, 354 acres; wheat, 200 acres; oats, 70 acres; potatoes, 80 acres; other crops, 120 acres. The live stock consisted of 200 cows, 80 oxen, 300 hogs, 52 horses and a small number of sheep. The industries included a steam sawmill, a brickyard, pearl ash factory, blacksmith, carpenter and shoe shops as well as a good general store. There were two schools, one male and one female. The latter, which had been open only about a year, taught plain sewing and other domestic subjects. The two schools had a combined enrollment of 140 with average attendance of 58. It was being proposed to require a small payment in order to make the schools self-supporting. The Sabbath school had an enrollment of 112 and an average attendance of 52.—Drew, *A North-Side View of Slavery*, pp. 293-297.

ton six years, reported that he had 24 acres out of his plot cleared, fenced and under cultivation. On six acres more the trees were felled. He had paid four installments on his farm, owned a yoke of oxen, a wagon and a mare and two colts. His fourteen-year-old boy was at school and was reading Virgil. In the home, besides bed and bedding, chairs and tables, there was a rocking chair and a large, new safe. Water was brought to the visitor in a clean tumbler, set upon a plate. A neighboring cabin had carpet on the floor and some crude prints on the walls. All the cabins had large brick fireplaces. Rev. Mr. King's own house, built of logs with high steep roof, dormer windows and a porch the whole length, was somewhat larger than the others.⁶

What these people actually accomplished at Buxton amid conditions so different from what they had known in the past is altogether remarkable. Some had known little of farm work before coming to the colony while all of them must have found the Canadian climate something of a hardship even in the summer. Outside of the farm work they showed ability as mechanics and tradesmen. One who visited them in the fifties says:⁷

"The best country tavern in Kent is kept by Mr. West, at Buxton. Mr. T. Stringer is one of the most enterprising tradesmen in the county, and he is a Buxtonian, a colored man. I broke my carriage near there. The woodwork, as well as the iron, was broken. I never had better repairing done to either the woodwork or the ironwork of my carriage, I never had better shoeing than was done to my horses, in Buxton, in Feb., 1852, by a black man, a native of Kentucky—in a word, the work was done after the pattern of Charles Peyton Lucas. They are blessed with able mechanics, good farmers, enterprising men, and women worthy of them and they are training the rising generation to principles such as will give them the best places in the esteem and the service of their countrymen at some day not far distant."

A few years sufficed to remove most of the prejudice

⁶ *The New York Tribune*.

⁷ Ward, *Autobiography of a Fugitive Negro*, 1855, p. 214.

that had shown itself in the opposition of the Larwill faction at Chatham at the inception of the colony. When Rev. S. R. Ward visited the colony in the early fifties he found that instead of lowering land values of adjoining property as some had predicted would result from establishing a Negro colony in Kent county, the Buxton settlement had actually raised the value of adjoining farms. The Buxton settlers were spoken of by the white people as good farmers, good customers and good neighbors. There were white children attending the Buxton school and white people in their Sunday church services.

Perhaps no finer testimony to the success of the whole undertaking is recorded than that of Dr. Samuel R. Howe who came to Canada for the Freedmen's Inquiry Committee.

"Buxton is certainly a very interesting place," he wrote. "Sixteen years ago it was a wilderness. Now, good highways are laid out in all directions through the forest, and by their side, standing back 33 feet from the road, are about 200 cottages, all built in the same pattern, all looking neat and comfortable; around each one is a cleared place of several acres which is well cultivated. The fences are in good order, the barns seem well filled, and cattle and horses, and pigs and poultry, abound. There are signs of industry and thrift and comfort everywhere; signs of intemperance, of idleness, of want nowhere. There is no tavern and no groggery; but there is a chapel and a schoolhouse. Most interesting of all are the inhabitants. Twenty years ago most of them were slaves, who owned nothing, not even their children. Now they own themselves; they own their houses and farms; and they have their wives and children about them. They are enfranchised citizens of a government which protects their rights. . . . The present condition of all these colonists as compared with their former one is remarkable. . . . This settlement is a perfect success. Here are men who were bred in slavery, who came here and purchased land at the government price, cleared it, bought their own implements, built their own houses after a model and have supported themselves in all material circumstances and now support their schools in part. . . . I consider that this settlement has done as well

as a white settlement would have done under the same circumstances."⁸

The Buxton settlement had its part in the John Brown affair. A letter written by John Brown, Jr., from Sandusky, Ohio, August 27, 1859, and addressed to "Friend Henrie," (Kagi), speaks of men in Hamilton, Chatham, Buxton, etc., suitable for the enterprise.

"At Dr. W's house (presumably in Hamilton) we formed an association," he says, "the officers consisting of chairman, treasurer and corresponding secretary, the business of which is to hunt up good workmen and raise the means among themselves to send them forward. . . . No minutes of the organization nor any of its proceedings are or will be preserved in writing. I formed similar associations in Chat—and also at B-x-t-n."

John Brown, Jr., also speaks of going to Buxton where he found "the man, the leading spirit in that affair."

"On Thursday night last" said he, "I went with him on foot 12 miles; much of the way through mere paths and sought out in the bush some of the choicest. Had a meeting after ten o'clock at night in his house. His wife is a heroine and he will be on hand as soon as his family can be provided for."⁹

Such is the earlier history of the experiment in Canada of taking bondmen and placing before them the opportunity not alone to make a living in freedom but also to rise in the social scale. How well these people took advantage of their opportunity is shown not only by the material progress they made but by the fact that they gained for themselves the respect of their white neighbors, a respect that continues today for their many descendants who still comprise the Buxton community in Kent county, Ontario.

FRED LANDON

PUBLIC LIBRARIAN, LONDON, CANADA, AND LECTURER IN AMERICAN HISTORY IN WESTERN UNIVERSITY, LONDON.

⁸ Howe, *Refugees from Slavery in Canada West*, 1864, pp. 70-71.

⁹ *Toronto Weekly Globe*, November 4, 1859.

FIFTY YEARS OF HOWARD UNIVERSITY*

PART II

The crisis in the financial affairs of the University, already mentioned, was the natural result of over confidence in the readiness of philanthropists to rally to the aid of a needy cause. This disappointment, however, was a valuable experience, for it became clear that philanthropists were not inclined to grant very generous aid to an institution established under the patronage of the Federal Government, especially in the face of the frequent and insistent appeals from less fortunate institutions serving the same people. It was an incorrect assumption, however, that the United States Treasury was paying the current expenses, for it must be remembered that no part of the original grants of the Freedmen's Bureau was or could be invested as permanent endowment or used for salaries, equipment or maintenance; and that during the first decade of the existence of the University no public funds were appropriated for these purposes. In spite of this, its reputation as a ward of the United States Government was, to its great disadvantage, accepted by philanthropists as justified.

When, in 1873, the Freedmen's Bureau was abolished, General Howard resigned from the presidency of the University to enter the army. Not desiring to accept his resignation immediately, however, the trustees granted him an indefinite leave of absence.¹ At the same meeting it was decided to revive the office of Vice-President, which had been discontinued and John M. Langston, then Dean of the Howard Law School, was elected to that position. "It had

* Part I of *Fifty Years of Howard University* appeared in the April Number of the JOURNAL OF NEGRO HISTORY.

¹ The resignation was accepted the following year after General Howard had been appointed to the command of the Department of the Columbia.

been hoped," says one, "that the experiment of placing an able colored man in this high position would stimulate his own race and the minds of white philanthropists to sustain the institution in its perilous struggles." But the lack of funds continued. Convinced that a permanent president must be at once secured, Mr. Langston resigned the vice-presidency in 1875.

An unfortunate combination of conditions that might well baffle the ablest administrators then obtained. The outlook was so gloomy that it was difficult to find a person both capable and willing to succeed to the position left vacant. Upon Mr. Langston's resignation, Reverend George Whipple, Secretary of the American Missionary Association was elected president but after due consideration declined the honor. On December 16, 1875, Edward P. Smith, a trustee of the University and a member of the Executive Committee, was elected. After serving a few weeks he departed on an expedition for the American Missionary Association to the west coast of Africa where he died, June 15, 1875. Meanwhile Senator Pomeroy acted as chairman of the board of trustees and Professor Frederick W. Fairfield served efficiently as acting president, having supervision over matters purely educational. This was the period of the most rigid retrenchment in expenses.

But Howard was to find a way out of this difficulty and move onward. The second epoch in the history of the University began when, on April 25, 1876, the Reverend Doctor William W. Patton was elected president. His administration, lasting over a term of twelve years, was a period of recovery and consolidation, and an era of good feeling. Dr. Patton came to his task equipped with just the qualities needed at that time. He possessed intense sympathy for the ideals for which the University stands; sufficient business ability to keep its finances safe; and a personality that inspired respect, confidence and love.

Carefully administering the affairs of the institution, Dr. Patton was able to restore confidence in the minds of the public and of Congress. This accomplished, he was

justified in arguing for federal aid on the ground that through this means alone was it possible to make the best use of the large and expensive plant which the Government had already provided. The result was that for the year beginning July 1, 1879, Congress appropriated \$10,000 toward current expenses. Since that date appropriations have been regularly made and have so increased that the institution now receives from the United States Government an annual allowance of over \$100,000.

It was during the administration of Dr. Patton that Howard University rounded out its organization and developed as a university. Previously, however, the various departments particularly had made interesting history. An active faculty was organized in the Medical School, June 17, 1867, and the first session opened in November, 1868, in the same rented building already referred to as housing the first academic classes of the University.² Here lectures were given in the evening to a class of eight students. The

²It was realized at the beginning that a hospital in connection with the department was an absolute necessity. This was provided for through the relationship established between the Medical School and Freedmen's Hospital. The Campbell Hospital, as it was formerly called, was located, at the close of the war, at what is now the northeast corner of Seventh Street and Florida Avenue. Prior to that time it was directly connected with the War Department. In 1865, in connection with the various hospitals and camps for freedmen in the several States, it was placed under the Freedmen's Bureau. In 1869 it was moved to buildings expressly erected for it by the Bureau upon ground belonging to the University on Pomeroy Street, including and adjacent to the site of the Medical Building. This new home consisted of four large frame buildings of two stories each to be used as wards; and in addition the Medical Building itself, a brick structure of four and one half stories, quite commodious and well arranged with lecture halls and laboratories for medical instruction. Dr. Robert Reyburn, who was chief medical officer of the Freedmen's Bureau from 1870 to 1872 was surgeon in chief, from 1868 to 1875. He was followed in order by Drs. Gideon S. Palmer, Charles B. Purvis, Daniel H. Williams, Austin M. Curtis and Wm. H. Warfield. Dr. Warfield, the present incumbent was appointed in 1901 and is the first graduate of the Howard University Medical School to hold this position. Only the first two named, however, were white. In 1907 the hospital was moved to its new home in the reservation lying on the south side of College Street between Fourth and Sixth Streets, the property of the University.

"The new Freedmen's Hospital was then built at a cost of \$600,000. It has the great advantage of being designed primarily for teaching purposes, as

permanent Medical Building was then in the course of erection. Under an able faculty and with excellent facilities it is not surprising that the Medical School has been able to maintain a very high standard of efficiency and that it now meets fully the requirements of the Association of American Medical Colleges.

The Law Department was organized October 12, 1868, with Mr. John M. Langston³ as professor and dean. In December of the same year, A. G. Riddle was associated with him on the faculty and the school began actual instruction on January 6, 1869.⁴ During the years of the financial difficulties of the University, however, the Law School passed through a distressing experience. The attendance of the students was uncertain, falling off rapidly when the Freedmen's Bureau passed out of existence; for many of the students who were employees serving the Bureau during the day attended lectures at night. These left in large numbers when the Bureau closed, depriving the Law School of a part of its estimated income. Losing thus this revenue, this department was either actually suspended or barely

practically all the patients admitted are utilized freely for instruction. The hospital has about three hundred beds and contains two clinical amphitheatres, a pathological laboratory, clinical laboratory and a room for X-Ray diagnostic work and X-Ray therapy. The Medical Faculty practically constitutes the Hospital Staff.'—*Howard University Catalog*, 1916-17, p. 163; 1917-18, p. 168.

³ Mr. Langston was graduated at Oberlin with the degree of A.B. in 1852 and in theology in 1853. He studied law privately and was admitted to practice in Ohio in 1854. In April, 1867, he was appointed general inspector of the Freedmen's Bureau, serving for two years, during which he travelled extensively through the South. From 1877 to 1885 he was Minister to Haiti and from 1885 to 1887 President of the Virginia Normal and Collegiate Institute. He was elected to Congress from the Fourth District of Virginia and seated, September 23, 1890, after a contest. He died November 15, 1897, at his home near Howard University.

⁴ For a number of years after its organization the school held its sessions in the main building of the University. Later a more convenient location was secured in the building occupied by the Second National Bank on Seventh Street. After remaining there for a considerable period, it moved to Lincoln Hall, at Ninth and D Streets, where it remained until 1887 when the building was destroyed by fire. The authorities then decided to purchase for the department a permanent home conveniently located and adequate to its accommodation. As a result the present Law Building on Fifth Street, opposite the District Court House, was purchased, and fitted up for school purposes.

kept open with a single teacher and a handful of students. Mr. Langston retained his position as dean under the then trying conditions until 1874, when he resigned.

The department gradually recovered with the mending fortunes of the University under President Patton and as a result of the demand in the District of Columbia for a school of law admitting students without racial restrictions. In 1881 B. F. Leighton was appointed to the deanship of this department, a position which he has to the present time filled with marked success. He took charge of the department when it was barely existing and brought it to its present position of usefulness. For many years he had associated with him A. A. Birney one of the most distinguished members of the District of Columbia bar. From that reconstruction of the department dates the period of its real growth. In 1881 these two professors lectured to a class of seven students, five of whom were graduated at the close of the session. Since that time the courses have been broadened in keeping with the advancing standards of legal study, the student body has increased ten fold and the faculty has been strengthened in accordance with these demands.

Although the Theological Department was the first in the plan of the founders of the University, it was not put into operation until January 6, 1868, when D. B. Nichols and E. W. Robinson, both clergymen, began without pay, to give theological instruction twice a week to a number of men already accredited as preachers and others looking forward to that work. Shortly afterwards, at the request of the Board of Trustees, a course of study was drawn up and adopted. Lectures in accordance with this plan were started immediately thereafter by General Eliphalet Whittlesey.⁵ It was not until 1871, however, that the Theolog-

⁵ General Eliphalet Whittlesey was Colonel of the 46th United States Colored Regiment in 1865. He had been on the staff of General Howard during the last year of the campaign through the South and was brevetted Brigadier General at the close of the war. He was Assistant Commissioner of the Freedmen's Bureau and later Adjutant General under General Howard at Wash-

ical Department was officially announced by the University as actively in operation. In this announcement, Dr. John B. Reeve is named as dean, supported by a faculty of four lecturers and a roster of twelve students. Three years later in 1874, seven of these twelve students received their certificates of graduation.

The Theological Department has always been barred from the use of United States funds for its current expenses and has, therefore, depended upon scholarships and special contributions made by individuals and philanthropic organizations. The American Missionary Association has always been its chief support since the crisis of 1873. Because of the financial stress under which the University was working at that time, the first act of Dr. Lorenzo Wescott, the new dean appointed in 1875, was to make arrangements to have the Presbytery of Washington assume the responsibility of the school. This appeal was favorably acted upon and a committee of the Presbytery took charge of the affairs of the department in December, 1875. This step was rendered necessary because, from 1872 to 1874 the American Missionary Association, on account of financial embarrassment, was compelled, temporarily, to withdraw its support. In November, 1877, this organization was again able to resume part of the responsibility and the bodies worked in harmony until June, 1887, when the American Missionary Association was again ready to bear the entire expense.⁶

ington. He assisted in the selection of the site for the University, was the first professor in the College Department and organized the Department of Theology.

Reverend Danforth B. Nichols, whose name has appeared frequently in this sketch, was, at the close of the war, engaged in missionary work among the "contrabands" who tilled the abandoned lands just across the Potomac from Washington. When Howard University was founded he was one of the most active and enthusiastic workers for the successful launching of the venture. Beside being a founder, a trustee and a professor, he received the degree of M.D. with the first class graduated by its medical department.

⁶ While the Presbytery was in charge the department received a gift of \$5,000 from Mrs. Hannah S. Toland. In 1879 Reverend J. G. Craighead became dean of the department and filled the position until his resignation in 1891. During his administration the department received \$5,000 from the estate of Wm. E. Dodge of New York. On October 1, 1883, the treasurer of

Dr. Patton resigned in May, 1889, but consented to continue in office until the end of the year or until his successor should be elected. The selection of his successor was made in November and Dr. Patton retired, hoping to rest and do literary work. He died, however, on the last day of the year 1889. On November 15, 1889, the trustees elected the Reverend Doctor Jeremiah E. Rankin⁷ to the presidency, taking him from the pastorate of the First Congregational Church of Washington. His term of office extended through thirteen years, a period of slow but steady growth.

Under President Rankin other changes were made in the course of the development of the University. At the close of the session in 1899 the University altered its policy with reference to the work of training teachers. To this end the work of the Normal Department, at first provided for this purpose, was reorganized as the pedagogical department of the college under the deanship of Professor Lewis B. Moore who had come to the faculty five years prior to this time from the University of Pennsylvania, where he had pursued graduate studies and obtained the degree of Doctor of Philosophy. After several years of growth the department was designated as the Teachers College and given academic rank with the College of Arts and Sciences. When the Normal Department was discontinued the English Department was established to care for those who wished to pursue the common branches without professional aim. In 1903, it was merged with the newly established Commercial Department under Dean George W. Cook.

It was during this administration that with funds obtained as private donations the permanent residence for the

the University was authorized to pay the American Missionary Association \$15,000, "out of moneys due from the United States as compensation for University land taken for the reservoir," or such part as might be requisite to complete the endowment of the "Stone Professorship" in the Theological Department. This amount was added to a fund of \$25,000 which came from the estate of Daniel P. Stone, of Boston, Massachusetts, upon the fulfillment of the term of the gift.

⁷ Dr. Rankin was a writer and poet of note, his most famous production being the hymn, "God be with you till we meet again."

president and the Andrew Rankin Memorial Chapel were erected, the former costing approximately \$20,000 and the latter \$22,000. The chapel is a memorial to the one whose name it bears, Andrew E. Rankin, the brother of President Rankin and the deceased husband of Mrs. H. T. Cushman of Boston, a generous donor toward its erection.

Because of failing health Doctor Rankin resigned in 1903. Reverend Teunis N. Hamlin, pastor of the Church of the Covenant, Washington, District of Columbia, and the president of the board of trustees, served as acting president for a short time pending the selection of a permanent incumbent. The Reverend Doctor John Gordon, the president of Tabor College in Iowa was selected for the presidency and was formally inaugurated in 1904. It was hoped that the incoming president would infuse new life into the institution, for the occasion demanded a successful administrator, an efficient educator and a man able to command increased financial support for the institution. As Doctor Gordon had none of these qualities, it soon became evident that he would be able to accomplish little of benefit to the University. He failed entirely to understand its mission and its ideals. Serious friction between the president on the one hand and the faculty and students on the other grew to such proportions that Dr. Gordon, after a term of office covering a little over two years, resigned.

After an examination of available material in the search for a suitable man for this position, the trustees were happy in the selection of the Reverend Doctor Wilbur P. Thirfield⁸ who accepted the offer and took up the duties of president in 1906. He was inaugurated November 15, 1907, on the occasion of the fortieth anniversary of the founding

⁸ Dr. Thirfield received his A.M. degree from Ohio Wesleyan in 1879. He studied theology at Boston University, graduating with the degree of S.T.B. in 1881. He entered the ministry in the M. E. Church in 1878. As the first president of Gammon Theological Seminary, Atlanta, Georgia, from 1883 to 1899 he secured endowment for that institution to the amount of \$600,000. He was called to the presidency of Howard after several years of successful service first as General Secretary of the Epworth League and later as General Secretary of the Freedmen's Aid and Southern Educational Society.

of the institution. With this ceremony began an infusion of new life into Howard University. Advantage of this occasion was taken to introduce the institution concretely to a group of notables who had hitherto known of it only in a casual way. And having once brought the institution to the attention of the world, President Thirkield never allowed the world to forget it.

With keen insight he realized at the very beginning of his term of office that the great and basic need of the University was material expansion. He saw the need of a more extensive plant with modern equipment and served by a larger faculty. With characteristic energy he sought to bring the University into a still closer alliance with the Federal Government. So successfully was the case presented that during his administration of six years he succeeded in raising the annual Congressional appropriation for current expenses from less than \$50,000 in 1906 to over \$100,000 in 1912. The pressing need for facilities in the teaching of the sciences was met by the erection in 1910 of a science hall from special appropriations amounting to \$80,000.⁹ In 1909, the Carnegie Library was erected. This building was the gift of Mr. Andrew Carnegie and cost \$50,000.

About this time the improvement of the dormitories was begun by the installation of adequate systems of sanitary plumbing and electric lights. By arrangement with Freedmen's Hospital the heating and lighting plant was enlarged at a cost of approximately \$100,000 to such capacity that steam and current were supplied to all the University buildings. In addition to these improvements in housing and equipment, the grounds were improved and beautified in accordance with a definite scheme.¹⁰ To provide for the

⁹ This building was dedicated as "Science Hall" but by vote of the trustees the name was changed to "Thirkield Hall" in honor of President Thirkield when the latter resigned in 1912.

¹⁰ Much of the credit for the improvements to grounds and buildings is due to the experience and business acumen of Professor George W. Cook who became secretary and business manager in 1908. Professor Cook has enjoyed an extensive and unique connection with the University from his matriculation in the Preparatory Department in 1873 to the present. He is a graduate of

constantly growing work in technical and industrial branches the Hall of Applied Sciences was built in 1913 at a cost of \$25,000 thus releasing the old Spaulding Hall for other purposes. A special department of music under Miss Lulu Vere Childers was established in 1909 and given a building in 1916.

Possibly the most striking result of the educational awakening under President Thirkield was the rapid growth of the College Department. In 1876 for example, the roster of the department shows thirty-five students and four graduates. In 1907, forty years later, the corresponding figures were, seventy-five and eight, a gain of about one hundred per cent in forty years or two and a half per cent a year. In 1911 these figures had grown to two hundred and forty-three, and thirty-one respectively, a gain during the period of six years covered by this administration, of about two hundred and forty per cent in students and nearly three hundred per cent in graduates. This is approximately a gain per year of forty per cent in enrollment and forty-eight per cent in graduates. While much of this remarkable growth is due to the general awakening of the University, yet no small part of the credit belongs to the inspiration of Professor Kelly Miller who became Dean of the College of Arts and Sciences in 1907 near the beginning of the period under consideration. Through his efforts and reputation as a writer the claims of the University and the College of Arts and Sciences were brought to the attention of aspiring youth throughout the country.¹¹ Upon the

three departments and holds the degrees of A.B., A.M., LL.B. and LL.M. He has been dean of the Normal, the English and the Commercial Departments successively. Since 1908 he has been secretary and business manager of the University.

¹¹ Professor Miller is a product of Howard and one of her most distinguished sons. He was graduated from Preparatory Department in 1882 and from College in 1886 after which he pursued advanced studies at Johns Hopkins University. He is one of the most conspicuous publicists of the race, being the author of several books and numerous pamphlets, beside making frequent contributions to periodicals, both in America and abroad. His most important books are *Race Adjustment* and *Out of the House of Bondage*. *The Disgrace of Democracy*, an open letter to President Wilson, published in 1917, has been pronounced one of the most important documents produced by the great war.

resignation of Dr. Thirkield to become Bishop of the Methodist Church in 1912, the Reverend Doctor Stephen M. Newman was chosen as the head of the university. He has served in that position for five years.¹²

Serviceable as have been many of the educators connected with Howard University it has had and still has many problems. Its chief difficulty, however, is a financial one. Although it is impossible to figure out how the University could have succeeded without the aid of the United States Government, this connection of the institution has been in some respects a handicap. National aid seems to have permanently excluded the institution from the circle of the beneficiaries of those great philanthropic agencies which have played such a prominent part in the support of education during the last half century. With the exception of the Theological Department, which receives no part whatever of the Congressional appropriation, the income to the institution from benevolent sources has played but a minor part in its development. On the other hand, the United States Government has never appropriated sufficient funds to maintain the University as a first class institution. The present appropriation of \$100,000 a year falls far short of what the school needs to function properly. It seems, therefore, that the United States Government, should adequately support the institution and make its appropriations legally permanent.¹³

¹² Dr. Newman was graduated from Bowdoin College, the alma mater of General Howard, in 1867, with the A.B. degree, receiving the A.M. in 1870 and D.D. in 1877. He studied theology at Andover, finishing in 1871. He served as pastor in Taunton, Massachusetts, Ripon, Wisconsin and the First Congregational Church of Washington, District of Columbia. He was president of Eastern College, Fort Royal, Virginia, 1908-9, and Kee Mar College for Women, Hagerstown, Maryland, 1909-11. He is a member of a number of learned societies and a distinguished pulpit orator.

¹³ President Taft considered the support of the University a national obligation. In his address at the commencement exercises, May 26, 1909, he said, in part:

"Everything that I can do as an executive in the way of helping along the University I expect to do. I expect to do it because I believe it is a debt of the people of the United States, it is an obligation of the Government of the United States, and it is money constitutionally applied to that which

Some remarks about the general policy of Howard University may be enlightening. The idea of racial representation among the administrative officers and faculty is indicated by the fact that membership in a particular race has never been considered a qualification for any position in the University. For many years the board of trustees has had persons of both races as members. No colored man has served a regular term as president, however, unless we include the short experience of Professor Langston already referred to. The treasurer has always been white but the office of secretary has been filled by members of both races. Neither the Theological nor the Medical School has had a Negro as dean although Dr. Charles B. Purvis was elected to that office in the latter in 1900 but declined it.

The faculties of all departments are mixed, the proportion of Negroes growing as available material from which to choose becomes more abundant. The policy of maintaining mixed faculties, however, is not dictated entirely by the lack of men and women of color competent to fill all positions on the faculty; for today the supply of such material is adequate. It seems that the governing body considers it in the best interest of the University to preserve the racial mixture in the offices and faculties in order that the students may receive the peculiar contribution of both races and that the institution may have its interests concretely connected with those of the dominant race.

Whether or not Howard has amply justified its existence during its first half century; whether its ideals have been the best for the race whose interests it primarily serves; whether its administrative policies have been wise—these are questions whose answers lie outside the scope of this sketch. As institutions of learning go, fifty years is a short time upon which to base conclusions. It is a period of beginnings. With schools of the character of Howard, with its peculiar duties to perform and its peculiar prob-

shall work out in the end the solution of one of the greatest problems that God has put upon the people of the United States."

lems to solve in a field entirely new, these fifty years make up a period of experiment. Whatever the future relative to this educational experiment may be, Howard has given to America nearly four thousand graduates from its various departments most of whom are now doing the class of work in all fields of endeavor which demand trained minds, broad human sympathy and the spirit of service.

DWIGHT O. W. HOLMES.

DOCUMENTS

WHAT THE FRAMERS OF THE FEDERAL CONSTITUTION THOUGHT OF THE NEGRO

The first important discussion in the Convention of 1787 to reflect the attitude of the framers of the Federal Constitution toward the Negro, was whether or not slaves should be considered a part of the population in apportioning representation in Congress on that basis. A precedent had been set in the Articles of Confederation in the provision for counting five slaves as three whites to determine the rate of taxation on the population basis. The free States contended that only the free inhabitants should be counted, but the slave States urged the recognition of slaves as a part of the population to secure to the South the power which it wielded until the Civil War.¹

Taking up this important question soon after the convention assembled,

The following resolution was then moved by Mr. Randolph, Resolved that the rights of suffrage in the national legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.

It was moved by Mr. Hamilton seconded by Mr. Spaight that the resolution be altered so as to read

Resolved that the rights of suffrage in the national legislature ought to be proportioned to the number of free inhabitants

It was moved and seconded that the resolution be postponed—and on the question to postpone it passed in the affirmative

The following resolution was moved by Mr. Randolph seconded by Mr Madison

¹ In the preparation of these documents we used the notes and journals of Yates, McHenry and Madison and the subsequent writings of the framers of the Federal Constitution, but these extracts of the actual proceedings are copied from Farrand's *Records of the Federal Convention*.

Resolved that the rights of suffrage in the national legislature ought to be proportioned—it was moved and seconded to add the words “and not according to the present system”—On the question to agree to the amendment it passed in the affirmative. (Ayes—7 noes—0.)²

It was then moved and seconded so to alter the resolution that it should read

Resolved that the rights of suffrage in the national legislature ought not to be according

It was then moved and seconded to postpone the consideration of the last resolution—And, on the question to postpone, it passed in the affirmative The following resolution was then moved by Mr Madison seconded by Mr. G Morris.

Resolved that the equality of suffrage established by the articles of confederation ought not to prevail in the national legislature and that an equitable ratio of representation ought to be substituted.

It was moved and seconded to postpone the consideration of the last resolution.

(The following Resolution being the 2d. of those proposed by Mr. Randolph was taken up. viz—“that the rights of suffrage in the National Legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.”)

Mr. M(adison) observing that the words (“*or to the number of) free inhabitants.*” might occasion debates which would divert the Committee from the general question whether the principle of representation should be changed, moved that they might be struck out.

Mr King observed that the quotas of contribution which would alone remain as the measure of representation, would not answer; because waving every other view of the matter, the revenue might hereafter be so collected by the general Govt. that the sums respectively drawn from the States would (not) appear; and would besides be continually varying.

Mr. Madison admitted the propriety of the observation, and that some better rule ought to be found.

Col. Hamilton moved to alter the resolution so as to read “that the rights of suffrage in the national Legislature ought to be pro-

² *Records of the Federal Convention*, I, pp. 31-32.

portioned to the number of free inhabitants. Mr. Spaight 2ded. the motion.

It was then moved that the Resolution be postponed, which was agreed to.

Mr. Randolph and Mr. Madison then moved the following resolution—"that the rights of suffrage in the national Legislature ought to be proportioned."

It was moved and 2ded. to amend it by adding "and not according to the present system"—which was agreed to.

It was then moved and 2ded. to alter the resolution so as to read "that the rights of suffrage in the national Legislature ought not to be according to the present system."

It was then moved & 2ded. to postpone the Resolution moved by Mr. Randolph & Mr. Madison, which being agreed to;

Mr. Madison, moved, in order to get over the difficulties, the following resolution—"that the equality of suffrage established by the articles of Confederation ought not to prevail in the national Legislature, and that an equitable ratio of representation ought to be submitted" This was 2ded. by Mr. Govr. Morris, and being generally relished, would have been agreed to when,)

Mr. Reed moved that the whole clause relating to the point of Representation be postponed; reminding the Come. that the deputies from Delaware were restrained by their commission from assenting to any change of the rule of suffrage, and in case a change should be fixed on, it might become their duty to retire from the Convention.

Mr. Govr. Morris observed that the valuable assistance of those members could not be lost without real concern, and that so early a proof of discord in the convention as a secession of a State, would add much to the regret; that the change proposed was however so fundamental an article in a national Govt. that it could not be dispensed with.

Mr. M(adison) observed that whatever reason might have existed for the equality of suffrage when the Union was a federal one among sovereign States, it must cease when a national Government should be put into the place. In the former case, the acts of Congress depended so much for their efficacy on the cooperation of the States, that these had a weight both within & without Congress, nearly in proportion to their extent and importance. In the latter case, as the acts of the Genl. Govt. would take effect without the

intervention of the State legislatures, a vote from a small State wd. have the same efficacy & importance as (a vote) from a large one, and there was the same reason for (different numbers) of representatives from different States, as from Counties of different extents within particular States. He suggested as an expedient for at once taking the sense of the members on this point and saving the Delaware deputies from embarrassment, that the question should be taken in Committee, and the clause on report to the House (be postponed without a question there). This however did not appear to satisfy Mr. Read.

By several it was observed that no just construction of the Act of Delaware, could require or justify a secession of her deputies, even if the resolution were to be carried thro' the House as well as the Committee. It was finally agreed however that the clause should be postponed: it being understood that in the event the proposed change of representation would certainly be agreed to, no objection or difficulty being started from any other quarter (than from Delaware).

The motion of Mr. Read to postpone being agreed to

The Committee then rose. The chairman reported progress, and the House having resolved to resume the subject in Committee tomorrow,³

Adjourned to 10 OClock)

.
The next question was on the following resolve:

In substance that the mode of the present representation was unjust—the suffrage ought to be in proportion to number or property.

To this Delaware objected, in consequence of the restrictions in their credentials, and moved to have the consideration thereof postponed, to which the house agreed.⁴

McHenry records for the thirtieth of May that the Committee then proceeded to consider the second resolution in Mr. Randolph's paper.

That the rights of suffrage in the national legislature ought to be proportioned to the quotas of contribution or to the number of

³ *Records of the Federal Convention*, I, pp. 35–38.

⁴ *Ibid.*, I, pp. 39–40.

free inhabitants as the one or the other rule may seem best in different cases.

As this gave the large States the most absolute controul over the lesser ones it met with opposition which produced an adjournment without any determination.⁵

After frequent discussion and the failure to reach an agreement to safeguard the interests of the small States while giving due weight to the population of the large the effort to apportion representation in the national legislature assumed this form in the Committee of the Whole:

It was moved by Mr. King seconded by Mr Rutledge to agree to the following resolution namely

Resolved that the right of suffrage in the first branch of the national Legislature ought not to be according to the rule established in the articles of confederation; but according to some equitable ratio of representation

And on the question to agree to the same

it passed in the affirmative (Ayes—7; noes—3; divided—1.)

It was then moved by Mr. Rutledge seconded by Mr Butler to add the following words to the last resolution

“namely, according to the quotas of contribution”

It was moved by Mr Wilson seconded by Mr C. Pinckney to postpone the consideration of the last motion in order to introduce the following words, after the words “equitable ratio of representation” namely.

“in proportion to the whole number of white and other “free Citizens and inhabitants of every age, sex and condition, “including those bound to servitude for a term of years, “and three fifths of all other persons not comprehended in “the foregoing description, except Indians, not paying taxes “in each State”

On the question to postpone

it passed in the affirmative. (Ayes—10; noes—1.)

On the question to agree to Mr Wilson’s motion

It passed in the affirmative (Ayes—9; noes—2.)

It was then moved by Mr Wilson seconded by Mr Hamilton to adopt the following resolution, namely,

“resolved that the right of suffrage in the second branch “of the national Legislature ought to be according to the rule “established for the first”

⁵ *Records of the Federal Convention*, I, p. 40.

On the question to agree to the same
it passed in the affirmative (Ayes—6; noes—5).^{*}

In the Committee of the Whole on the eleventh of June:

(It was then moved by Mr. Rutledge 2d. by Mr. Butler to add to the words "equitable ratio of representation" at the end of the motion just agreed to, the words "according to the quotas of Contribution. On motion of

Mr. Wilson seconded by Mr. C. Pinckney, this was postponed; in order to add, after, after the words "equitable ratio of representation" the words following "in proportion to the whole number of white & other free Citizens & inhabitants of every age sex & condition including those bound to servitude for a term of years and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes, in each State." this being the rule in the Act of Congress agreed to by eleven States, for apportioning quotas of revenue on the States. and requiring a census only every 5—7, or 10 years.

Mr. Gerry thought property not the rule of representation. Why then shd, the blacks, who were property in the South be in the rule of representation more than the cattle & horses of the North.

On the question.

Mass: Con: N. Y. Pen: Maryd. Virga. N. C. S. C. and Geo: were in the affirmative: N. J. & Del: in the negative. (Ayes—9; noes—2.) Mr. Sherman moved that a question be taken whether each State shall have (one) vote in the 2d. branch. Every thing he said depended on this. The smaller States would never agree to the plan on any other principle (than an equality of suffrage in this branch. Mr. Ellsworth seconded the motion.) On the question for allowing each State (one) vote in the 2d. branch.

Massts, no. Cont, ay. N. Y. ay. N. J. ay. Pa. no. Del. ay Md. ay. Va. no. N. C. no. S. C. no. Geo. no. (Ayes—5; noes—6.)

(Mr. Wilson & Mr. Hamilton moved that the right of suffrage in the 2d. branch ought to be according to the same rule as in the 1st. branch.)

On this question for making the ratio of representation the same in the 2d. as in the 1st. branch (it passed in the affirmative:) Massts. ay. Cont. no. N. Y. no. N. J. no. Pa. ay. Del. no. Md. no. Va. ay. N. C. ay. S. C. ay. Geo. ay. (Ayes—6; noes—5).[†]

^{*} *Records of the Federal Convention*, I, pp. 152–153.

[†] *Ibid.*, I, pp. 200–202.

On the same day

Mr. Wilson was of opinion, and therefore moved, *that the mode of representation of each of the states ought to be from the number of its free inhabitants, and of every other description three fifths to one free inhabitant.* He supposed that the impost will not be the only revenue—the post office he supposes would be another substantial source of revenue. He observed further, that this mode had already received the approbation of eleven states in their acquiescence to the quota made by congress. He admitted that this resolve would require further restrictions, for where numbers determined the representation a census at different periods of 5, 7 or 10 years, ought to be taken.

Mr. Gerry. The idea of property ought not to be the rule of representation. Blacks are property, and are used to the southward as horses and cattle to the northward; and why should their representation be increased to the southward on account of the number of slaves, than horses or oxen to the north?

Mr. Madison was of opinion at present, to fix the standard of representation, and let the detail be the business of a sub-committee.

Mr. Rutledge's motion was postponed.^a

Discussing whether the apportionment should be according to taxation or numbers, Wilson considered

Either Rule good—by Numbers best to ascertain the Right of Representn. this agreeably to the Sentiments of 11 States—Impost alone will not be sufficient to answer the national Exigencies—Revenues arising from Postage—The present Quota not a lasting Rule—People to be numbered at fixed Periods—A Rule arising from Property and Numbers—

Gerry. Rule of Taxation not the Rule of Representation—4 might then have more Voices than ten—Slaves not to be put upon the Footing of freemen—Freemen of Masss. not to be put upon a Footing with the Slaves of other States—Horses and Cattle ought to have the Right of Representn. Negroes—Whites—^b

On the thirteenth of June Randolph submitted another resolution agreed to in the Committee of the Whole.

^a *Records of the Federal Convention*, I, pp. 205–206.

^b *Ibid.*, p. 208.

Resolved that the right of suffrage in the first branch of the national Legislature ought not to be according to the rule established in the articles of confederation; but according to some equitable ratio of representation—namely in proportion to the whole number of whites and other free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years and three fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes in each State.¹⁰

The following propositions from New Jersey moved by Patterson closely connected the apportionment of requisitions with that of representation:

3. Resd. that whenever requisitions shall be necessary, instead of the rule for making requisitions mentioned in the articles of Confederation, the United States in Congs. be authorized to make such requisitions in proportion to the whole number of white & other free citizens & inhabitants of every age sex and condition including those bound to servitude for a term of years & three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes; that if such requisitions be not complied with, in the time specified therein, to direct the collection thereof in the non complying States & for that purpose to devise and pass acts directing & authorizing the same; provided that none of the powers hereby vested in the U. States in Congs. shall be exercised without the consent of at least¹¹

Again on the fifteenth of June it was suggested that

3. The rule of apportioning Requis: on the States shall be the Whites $\frac{3}{5}$ of all others—if the Req. is in arrear in any State, Congress shall have authority to devise & pass acts remedial in such case.

On the fifth of July the committee considering the question of representation reported on the 40,000 basis which repeatedly came before the Convention. It provided:

That in the first branch of the legislature, each of the states now in the union, be allowed one member for every 40,000 inhabitants,

¹⁰ *Records of the Federal Convention*, I, p. 227.

¹¹ *Ibid.*, I, p. 243.

of the description reported in the seventh resolution of the committee of the whole house—That each state, not containing that number, shall be allowed one member.¹²

Reporting on this question the fifth of July, the Committee of the Whole decided to submit:

That the subsequent propositions be recommended to the Convention, on condition that both shall be generally adopted.

1st That in the first branch of the Legislature each of the States now in the Union be allowed one Member for every forty thousand inhabitants of the description reported in the seventh resolution of the Committee of the whole House. That each State not containing that number shall be allowed one Member—That all Bills for raising or appropriating money and for fixing the salaries of the Officers of the Government of the United States, shall originate in the first Branch of the Legislature, and shall not be altered or amended by the second Branch and that no money shall be drawn from the public Treasury but in pursuance of appropriations to be originated by the first Branch. 2ndly That in the second Branch of the Legislature each State shall have an equal Veto.

Discussing this question on the sixth of July:

Mr. Pinkney saw no good reason for committing. The value of land had been found on full investigation to be an impracticable rule. The contributions of revenue including imports & exports, must be too changeable in their amount; too difficult to be adjusted; and too injurious to the non-commercial States. The number of inhabitants appeared to him the only just & practicable rule. He thought the blacks ought to stand on an equality with whites: But wd.—agree to the ratio settled by Congs. He contended that Congs. had no right under the articles of Confederation to authorize the admission of new States; no such cases having been provided for.¹³

On the ninth of July, according to Madison, Mr. Gorham said:

Some provision of this sort was necessary in the outset. The number of blacks & whites with some regard to supposed wealth

¹² *Records of the Federal Convention*, I, pp. 523, 524.

¹³ *Ibid.*, I, p. 542.

was the general guide. Fractions could not be observed. The Legislature is to make alterations from time to time as justice & propriety may require, Two objections prevailed agst. the rate of 1 member for every 40,000 inhts. The 1st. was that the Representation would soon be too numerous: the 2d. that the Western States who may have a different interest, might if admitted on that principal by degrees, out-vote the Atlantic. Both these objections are removed. The number will be small in the first instance and may be continued so, and the Atlantic States having ye Govt. in their own hands, may take care of their own interest by dealing out the right of Representation in safe proportions to the Western States. These were the views of the Committee.¹⁴

On the tenth of July the following interesting comment was made.

Mr. Dayton observed that the line between the Northn. & Southern interest had been improperly drawn: that Pa. was the dividing State, there being six on each side of her.

Genl. Pinkney urged the reduction, dwelt on the superior wealth of the Southern States, and insisted on its having its due weight in the Government.

Mr. Govr. Morris regretted the turn of the debate. The States he found had many Representatives on the floor. Few he fears were to be deemed the Representatives of America. He thought the Southern States have by the report more than their share of representation. Property ought to have its weight; but not all the weight. If the (Southn. States are to) supply money. The Northn. States are to spill their blood. Besides, the probable Revenue to be expected from the S. States has been greatly overated. He was agst. reducing N. Hampshire.¹⁵

In connection with determining the basis of representation the following was offered on the eleventh of July:

"Resolved That in order to ascertain the alterations that may happen in the population and wealth of the several States a census shall be taken of the free inhabitants of each State, and three fifths of the inhabitants of other description on the first year after this form of Government shall have been adopted—and afterwards on every term of years; and the Legislature shall alter or augment the representation accordingly"

¹⁴ *Records of the Federal Convention*, I, pp. 559-560.

¹⁵ *Ibid.*, I, p. 567.

It was moved and seconded to strike out the words

“three fifths of”

which passed in the negative. (Ayes—3; noes—7.)

It was moved and seconded to postpone the consideration of the resolution proposed in order to take up the following namely.

Resolved That at the end of years from the meeting of the Legislature of the United-States and at the expiration of every years thereafter the Legislature of the United States be required to apportion the representation of the several States according to the principles of their wealth and population.

On the question to postpone, it passed in the negative

(Ayes—5; noes—5;)

It was moved and seconded to agree to the first clause of the resolution namely.

“That in order to ascertain the alterations that may happen in the population and wealth of the several States a “Census shall be taken of each State”.

which passed in the affirmative (Ayes—6; noes—4.)

(To adjourn. Ayes—1; noes—9.)

It was moved and seconded to agree to the following clause of the resolution, namely

“and three fifths of the inhabitants of other description”

which passed in the negative. (Ayes—4; noes—6.)

It was moved and seconded to agree to the following clause of the resolution, namely

“On the first year after this form of government shall “have been adopted”

which passed in the affirmative (Ayes—7; noes—3.)

It was moved and seconded to fill up the blank with the word “fifteen” which passed unanimously in the affirmative (Ayes—10; noes—0.)

It was moved and seconded to add after the words fifteen years the words “at least”

which passed in the negative Ayes—5; noes—5.)

It was moved and seconded to agree to the following clause of the resolution namely

“and the Legislature shall alter or augment the representation accordingly”

which passed unanimously in the affirmative (Ayes—10; noes—0.)

On the question to agree to the resolution as amended it passed unanimously in the negative. (Ayes—0; noes—10.) and then the House adjourned till tomorrow at 11 o'clock A. M.¹⁶

Taking up the question, Mr. Williamson urged again on the eleventh of July the counting of five Negroes as three white persons.

Mr. Williamson was for making it the duty of the Legislature to do what was right & not leaving it at liberty to do or not do it. He moved that Mr. Randolph's proposition be postponed, in order to consider the following "that in order to ascertain the alterations that may happen in the population & wealth of the several States, a census shall be taken of the free white inhabitants and $\frac{3}{5}$ ths of those of other descriptions on the 1st year (after this Government shall have been adopted) and every year thereafter; and that the Representation be regulated accordingly."¹⁷

.

Mr. Butler & Genl. Pinkney insisted that blacks be included in the rule of Representation, *equally* with the whites: (and for that purpose moved that the words "three fifths" be struck out.)¹⁸

Mr. Gerry thought that $\frac{3}{5}$ of them was to say the least the full proportion that could be admitted.

Mr. Ghorum. This ratio was fixed by Congs. as a rule of taxation. Then it was urged by the Delegates representing the States having slaves that the blacks were still more inferior to freemen. At present when the ratio of representation is to be established, we are assured that they are equal to freemen. The arguments on ye. former occasion had convinced him that $\frac{3}{5}$ was pretty near the just proportion and he should vote according to the same opinion now.

Mr. Butler insisted that the labour of a slave in S. Carola. was as productive & valuable as that of a freeman in Massts., that as wealth was the great means of defence and utility to the Nation they are equally valuable to it with freemen; and that consequently an equal representation ought to be allowed for them in a Government which was instituted principally for the protection of property, and was itself to be supported by property.

Mr. Mason could not agree to the motion, notwithstanding it was favorable to Virga. because he thought it unjust. It was cer-

¹⁶ *Records of the Federal Convention*, pp. 575-576.

¹⁷ *Ibid.*, I, p. 579.

¹⁸ *Ibid.*, pp. 580-583.

tain that the slaves were valuable, as they raised the value of land, increased the exports & imports, and of course the revenue, would supply the means of feeding and supporting an army, and might in cases of emergency become themselves soldiers. As in these important respects they were useful to the community at large, they ought not to be excluded from the estimate of Representation. He could not, however, regard them as equal to freemen and could not vote for them as such. He added as worthy of remark, that the Southern States have this peculiar species of property over & above the other species of property common to all the States.

Mr. Williamson reminded Mr. Ghorum that if the Southn. States contended for the inferiority of blacks to whites when taxation was in view, the Eastern States on the same occasion contended for their equality. He did (not) however either then or now, concur in either extreme, but approved of the ratio of 3/5.

On Mr. Butlers motion for considering blacks as equal to Whites in the apportionment for Representation

Massts. no. Cont. no. (N. Y. not on floor.) N. J. no. Pa. no. Del. ay. Md. No. (Va. no) N. C. no. S. C. ay. Geo. ay. (Ayes—3; noes—7.)

Mr. Govr. Morris said he had several objections to the proposition of Mr. Williamson. 1. It fettered the Legislature too much. 2. It would exclude some States altogether who would not have a sufficient number to entitle them to a single Representative. 3. It will not consist with the Resolution passed on Saturday last authorizing the Legislature to adjust the Representation from time to time on the principles of population & wealth or with the principles of equity. If slaves were to be considered as inhabitants, not as wealth, then the sd Resolution would not be pursued: If as wealth, then why is no other wealth but slaves included? These objections may perhaps be removed by amendments. His great objection was that the number of inhabitants was not a proper standard of wealth. The amazing difference between the comparative numbers & wealth of different Countries, rendered all reasoning superfluous on the subject. Numbers might with greater propriety be deemed a measure of strength, than of wealth, yet the late defence made by G. Britain agst. her numerous enemies proved in the clearest manner, that it is entirely fallacious even in this respect.

Mr. King thought there was great force in the objections of Mr. Govr. Morris: he would however accede to the proposition for the sake of doing something.

Mr. Rutledge contended for the admission of wealth in the estimate by which Representation should be regulated. The Western States will not be able to contribute in proportion to their numbers, they shd. not therefore be represented in that proportion. The Atlantic States will not concur in such a plan. He moved that "at the end of years after the 1st meeting of the Legislature, and of every years thereafter, the Legislature shall proportion the Representation according to the principles of wealth & population"

Mr. Sherman thought the number of people alone the best rule for measuring wealth as well as representation; and that if the Legislature were to be governed by wealth, they would be obliged to estimate it by numbers. He was at first for leaving the matter wholly to the discretion of the Legislature; but he had been convinced by the observations of (Mr. Randolph & Mr. Mason) that the *periods* & the *rule* of revising the Representation ought to be fixt by the Constitution

Mr. Reid thought the Legislature ought not to be too much shackled. It would make the Constitution like Religious Creeds, embarrassing to those bound to conform to them & more likely to produce dissatisfaction and Scism, than harmony and union.

Mr. Mason objected to Mr. Rutledge motion, as requiring of the Legislature something too indefinite & impracticable, and leaving them a pretext for doing nothing.

Mr. Wilson had himself no objection to leaving the Legislature entirely at liberty. But considered wealth as an impracticable rule.

Mr. Ghorum. If the Convention who are comparatively so little biased by local views are so much perplexed, How can it be expected that the Legislature hereafter under the full bias of those views, will be able to settle a standard. He was convinced by the argument of others & his own reflections, that the Convention ought to fix some standard or other.

Mr. Govr. Morris. The argts. of others & his own reflections had led him to a very different conclusion. If we can't agree on a rule that will be just at this time, how can we expect to find one that will be just in all times to come. Surely those who come after us will judge better of things present, than we can of things future. He could not persuade himself that numbers would be a just rule at any time. * * * * * Another objection with him agst admit-

ting the blacks into the census, was that the people of Pena. would revolt at the idea of being put on a footing with slaves. They would reject any plan that was to have such an effect. Two objections had been raised agst. leaving the adjustment of the Representation from time to time, to the discretion of the Legislature.¹⁹

The question of counting three-fifths of the Negroes as whites, however, would not down. According to Madison:

Mr. King. being much opposed to fixing numbers as the rule of representation, was particularly so on account of the blacks. He thought the admission of them along with Whites at all, would excite great discontents among the States having no slaves. He had never said as to any particular point that he would in no event acquiesce in & support it; but he wd. say that if in any case such a declaration was to be made by him, it would be in this. He remarked that in the (temporary) allotment of Representatives made by the Committee, the Southern States had received more than the number of their white & three fifths of their black inhabitants entitled them to.

Mr. Sherman. S. Carola. had not more beyond her proportion than N. York & N. Hampshire, nor either of them more than was necessary in order to avoid fractions or reducing them below their proportion. Georgia had more; but the rapid growth of that State seemed to justify it. In general the allotment might not be just, but considering all circumstances, he was satisfied with it.

Mr. Ghorum supported the propriety of establishing numbers as the rule. He said that in Massts. estimates had been taken in the different towns, and that persons had been curious enough to compare these estimates with the respective numbers of people; and it had been found even including Boston, that the most exact proportion prevailed between numbers and property. He was aware that there might be some weight in what had fallen from his colleague, as to the umbrage which might be taken by the people of the Eastern States. But he recollected that when the proposition of Congs for changing the 8th art. of Confedn. was before the Legislature of Massts. the only difficulty then was to satisfy them that the negroes ought not to have been counted equally with whites instead of being counted in the ratio of three fifths only.

Mr. Wilson did not well see on what principle the admission of

¹⁹ *Records of the Federal Convention*, I, pp. 580-583.

blacks in the proportion of three fifths could be explained. Are they admitted as Citizens? Then why are they not admitted on an equality with White Citizens? Are they admitted as property, then why is not other property admitted into the computation? These were difficulties however which he thought must be overruled by the necessity of compromise. He had some apprehensions also from the tendency of the blending of the blacks with the whites, to give disgust to the people of Pena. as had been intimated by his colleagues (Mr. Govr. Morris). But he differed from him in thinking numbers of inhabts. so incorrect a measure of wealth. He had seen the Western settlemts. of Pa. and on a comparison of them with the City of Philada. could discover little other difference, than that property was more unequally divided among individuals here than there. Taking the same number in the aggregate in the two situations he believed there could be little difference in their wealth and ability to contribute to the public wants.

Mr. Govr. Morris was compelled to declare himself reduced to the dilemma of doing injustice to the Southern States or to human nature, and he must therefore do it to the former. For he could never agree to give such encouragement to the slave trade as would be given by allowing them a representation for their negroes, and he did not believe those States would ever confederate on terms that would deprive them of that trade.

On question for agreeing to include $3/5$ of the blacks

Masts. no Cont. ay N. J. no. Pa. no Del. no. Mard. no Va. ay.
N. C. ay. S. C. no. Geo. ay (Ayes—6; noes—4.)²⁰

On the twelfth of July the following clause was proposed:

“Provided always that direct Taxation ought to be proportioned according to representation”

which passed unanimously in the affirmative.

It was moved and seconded to postpone the consideration of the first clause in the report from the first grand Committee

which passed in the affirmative.

It was moved and seconded to add the following amendment to the last clause adopted by the House namely

“and that the rule of contribution by direct taxation for the support of the government of the United States shall be the number of white inhabitants, and three fifths of every other description in

²⁰ *Records of the Federal Convention*, I, pp. 586-588.

the several States, until some other rule that shall more accurately ascertain the wealth of the several States can be devised and adopted by the Legislature²¹

On the motion of Mr. Randolph, the vote of saturday last (July 7) authorizing the Legislr. to adjust from time to time, the representation upon the principles of *Wealth* and numbers of inhabitants was (reconsidered by common consent in order to strike our "Wealth" and adjust the resolution to that requiring periodical revisions according to the number of whites & three fifths of the blacks: the motion was in the words following—"But as the present situation of the States may probably alter in the number of their inhabitants, that the Legislature of the U. S. be authorized from time to time to apportion the number of representatives: and in case any of the States shall hereafter be divided or any two or more States united or new States created within the limits of the U. S. shall hereafter be divided or any two or more States united or new States created within the limits of the U. S. the Legislature of U. S. shall possess authority to regulate the number of Representatives in any of the foregoing cases, upon the principle of their number of inhabitants; according to the provisions hereafter mentioned.")

Mr. Govr. Morris opposed the alteration as leaving still an incoherence. If Negroes were to be viewed as inhabitants, and the revision was to proceed on the principle of numbers of inhbt. they ought to be added in their entire number, and not in the proportion of 3/5. If as property, the word wealth was right, and striking it out would produce the very inconsistency which it was meant to get rid of.—The train of business & the late turn which it had taken, had led him he said, into deep meditation on it, and He wd. candidly state the result. A distinction had been set up & urged between the Nn. & Southn. States. He had hitherto considered this doctrine as heretical. He still thought the distinction groundless. He sees however that it is persisted in; and that the Southn. Gentleman will not be satisfied unless they see the way open to their gaining a majority in the public Councils. The consequence of such a transfer of power from the maritime to the interior & landed interests will he forsees be such an oppression of commerce, that he shall be obliged to vote for ye. vicious principle

²¹ *Records of the Federal Convention*, I, pp. 589-590.

of equality in the 2d. branch in order to provide for some defence for the N. States agst. it. But to come now more to the point, either this distinction is fictitious or real: if fictitious let it be dismissed & let us proceed with due confidence. If it be real, instead of attempting to blend incompatible things, let us at once take a friendly leave of each other. There can be no end of demands for security if every particular interest is to be entitled to it. The Eastern States may claim it for their fishery, and for other objects, as the Southn. States claim it for their peculiar objects. In this struggle between the two ends of the Union, what part ought the Middle States in point of policy to take; to join their Eastern brethren according to his ideas. If the Southn. States get the power into their hands, and be joined as they will be the interior Country they will inevitably bring on a war with Spain for the Mississippi. This language is already held. The interior Country having no property nor interest exposed on the sea, will be little affected by such a war. He wished to know what security the Northn. & middle States will have agst. this danger. It has been said that N. C. S. C. and Georgia only will in a little time have a majority of the people of America. They must in that case include the great interior Country, and every thing was to be apprehended from their getting the power into their hands.²²

The Committee of Detail finally brought forward for the apportionment of direct taxes and representation in the House a plan for taking the Negroes into account.

(Direct Taxation shall always be in Proportion to Representation in the House of Representatives.)

The proportions of direct Taxation shall be regulated by the whole Number of white and other free Citizens and Inhabitants, of every Age, Sex and Condition, including those bound to Servitude for a Term of Years, and three fifths of all other Persons not comprehended in the foregoing Description; which Number shall, within the Term of every ten Years afterwards, be taken in such manner as the said Legislature shall direct.²³

This, as is shown below, is substantially what Rutledge as Chairman of the committee to report a constitution reported.

²² *Records of the Federal Convention*, pp. 603-605.

²³ *Ibid.*, II, p. 168.

Sect. 3. The proportions of direct taxation shall be regulated by the whole number of white and other free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, (except Indians not paying taxes) which number shall, within six years after the first meeting of the Legislature, and within the term of every ten years afterwards, be taken in such manner as the said Legislature shall direct.²⁴

The same appears also in the report of the Committee on Style.

Sect. 3. The proportions of direct taxation shall be regulated by the whole number of free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, (except Indians not paying taxes) which number shall, within three years after the first meeting of the Legislature, and within the term of every ten years afterwards, be taken in such manner as the said Legislature shall direct.

(b). Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to servitude for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every forty thousand, but each state shall have at least one representative: and until such enumeration shall be made, the state of New-Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantation one, Connecticut five, New-York six, New-Jersey, four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five and Georgia three.²⁵

²⁴ *Records of the Federal Convention*, pp. 182-183.

²⁵ Dickenson thought that unless the number of representatives given the large States was reduced the smaller ones would be encouraged to import slaves.

What these framers said in explaining their intentions thereafter when discussing the constitution in ratifying conventions, legislatures and Congress, is further illuminating. Before the Maryland convention called to ratify the constitution Luther Martin said:

S: 2. Slaves ought never to be considered in Representation, because they are property. They afford a rule as such in Taxation; but are Citizens intrusted in the General Government, no more than Cattle, Horses, Mules or Asses: and a Gentleman in Debate very pertinently observed that he would as soon enter into Compacts, with the Asses Mules, or Horses of the Ancient Dominion as with their Slaves—When there is power to raise a revenue by direct Taxation, each State ought to pay an equal Ratio; Whereas by taxing Commerce some States pay greatly more than others,²⁷

Before the South Carolina House of Representatives C. C. Pinckney said:

We are at a loss, for some time, for a rule to ascertain the proportionate wealth of the states. At last we thought that the productive labor of the inhabitants was the best rule for ascertaining their wealth. In conformity to this rule, joined to a spirit of concession, we determined that representatives should be apportioned among the several states, by adding to the whole number of free persons three fifths of the slaves. We thus obtained a representation for our property; and I confess I did not expect that we had conceded too much to the Eastern States, when they allowed us a representation for a species of property which they have not among them.²⁸

In the New York Convention considering the ratification of the constitution, Hamilton said:

The first thing objected to is that clause which allows a representation for three fifths of the negroes. . . . The regulation com-

Art: VII. sect. 3. resumed.—Mr. Dickenson moved to postpone this in order to reconsider Art: Iv. sect. 4. and to *limit* the number of representatives to be allowed to the large States. Unless this were done the small States would be reduced to entire insignificance, and encouragement given to the importation of slaves. *Records of the Federal Convention*, II, 356, 570, 590.

²⁸ *Ibid.*, III, p. 253.

²⁷ *Ibid.*, III., pp. 155-156.

plained of was one result of the spirit of accommodation which governed the Convention; and without this indulgence no union could possibly have been formed.²⁹

On July 24, 1788, in the North Carolina convention Davie said:

. . . The gentleman "does not wish to be represented with negroes." This, sir, is an unhappy species of population; but we cannot at present alter their situation. The Eastern States had great jealousies on this subject. They insisted that their cows and horses were equally entitled to representation; that the one was property as well as the other. It became our duty, on the other hand, to acquire as much weight as possible in the legislation of the Union; and, as the Northern States were more populous in whites, this only could be done by insisting that a certain proportion of our slaves should make a part of the computed population. It was attempted to form a rule of representation from a compound ratio of wealth and population; but, on consideration, it was found impracticable to determine the comparative value of lands and other property, in so extensive a territory, with any degree of accuracy; and population alone was adopted as the only practicable rule or criterion of representation. It was urged by the deputies of the Eastern States, that a representation would be unequal and burdensome—that, in a time of war, slaves rendered a country more vulnerable, while its defence devolved upon its free inhabitants. On the other hand, we insisted that, in time of peace, they contributed by their labor, to the general wealth, as well as other members of the community—that, as rational beings, they had a right of representation, and, in some instances, might be highly useful in war. On these principles the Eastern States gave the matter up, and consented to the regulation as it has been read. I hope these reasons will appear satisfactory. It is the same rule or principle which was proposed some years ago by Congress, and assented to by twelve of the States. . . .³⁰

In the House of Representatives in 1820 C. C. Pinckney of South Carolina said:

Among the reasons which have induced me to rise, one is to ex-

²⁹ *Records of the Federal Convention*, III, p. 333.

³⁰ *Ibid.*, III, pp. 342-343.

press my surprise. Surprise, did I say? I ought rather to have said, my extreme astonishment, at the assertion I heard made on both floors of Congress, that, in forming the Constitution of the United States, and particularly that part of it which respects the representation on this floor, the Northern and Eastern States, or, as they are now called, the non-slaveholding States, have made a great concession to the Southern in granting them a representation of three-fifths of their slaves; that they saw the concession was a very great and important one at the time, but that they had no idea it would so soon have proved itself of such consequence; that it would so soon have proved itself to be by far the most important concession that had been made. They say, that it was wrung from them by their affection to the Union, and their wish to preserve it from dissolution or disunion; that they had, for a long time, lamented they had made it; and that, if it was to do over, no earthly consideration should again tempt them to agree to so unequal and so ruinous a compromise. . . .

It was, sir, for the purpose of correcting this great and unpardonable error; unpardonable, because it is a wilful one, and the error of it is well known to the ablest of those who make it; of denying the assertion, and proving that the contrary is the fact, and that the concession, on that occasion, was from the Southern and the Northern States, that, among others, I have risen.

It is of the greatest consequence that the proof I am about to give should be laid before this nation; for, as the inequality of representation is the great ground on which the Northern and Eastern States have always, and now more particularly and forcibly than ever, raised all their complaints on this subject, if I can show and prove that they have not even a shadow of right to make pretences or complaints; that they are as fully represented as they ought to be; while, we, the Southern members, are unjustly deprived of any representation for a large and important part of our population, more valuable to the Union, as can be shown, than any equal number of inhabitants in the Northern and Eastern States, can, from their situation, climate, and productions, possibly be. If I can prove this, I think I shall be able to show most clearly the true motives which have given rise to this measure; to strip the thin, the cobweb veil from it, as well as the pretended ones of religion, humanity, and love of liberty; and to show, to use the soft terms the decorum of debate oblige me to use, the extreme want of modesty in those who are already as fully represented here as they can be, to go

the great lengths they do in endeavoring, by every effort in their power, public and private, to take from the Southern and Western States, which are already so greatly and unjustly deprived of an important part of the representation, a still greater share; to endeavor to establish the first precedent, which extreme rashness and temerity have ever presumed, that Congress has a right to touch the question and legislate on slavery; thereby shaking the property in them, in the Southern and Western States, to its very foundation, and making an attack which, if successful, must convince them that the Northern and Eastern States are their greatest enemies; that they are preparing measures for them which even Great Britain in the heat of the Revolutionary War, and when all her passions were roused by hatred and revenge to the highest pitch never ventured to inflict upon them. Instead of a course like this, they ought, in my judgment, sir, to be highly pleased with their present situation; that they are fully represented, while we have lost so great a share of our representation; they ought sir, to be highly pleased at the dexterity and management of their members in the Convention, who obtained for them this great advantage; and, above all, with the moderation and forbearance with which the Southern and Western States have always borne their many bitter provocations on this subject, and now bear the open, avowed, and, by many of the ablest men among them, undisguised attack on our most valuable rights and properties. . . .

Before I proceed to the other parts of this question, I have thus endeavored to give a new view of the subject of representation in this House; to show how much more the Eastern and Northern States are represented than the Southern and Western. . . .

The supporters of the amendment contend that Congress have the right to insist on the prevention of involuntary servitude in Missouri; and found the right on the ninth section of the first article, which says "the migration or importation of such persons as the States now existing may think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding ten dollars."

In considering this article, I will detail, as far as at this distant period is possible, what was the intention of the Convention that formed the Constitution in this article. The intention was, to give Congress a power, after the year 1808, to prevent the importation of slaves either by land or water from other countries. The word

import, includes both, and applies wholly to slaves. Without this limitation Congress might have stopped it sooner under their general power to regulate commerce; and it was an agreed point, a solemnly understood compact, that, on the Southern States consenting to shut their ports against the importation of Africans, no power was to be delegated to Congress, nor were they ever to be authorized to touch the question of slavery; that the property of the Southern States in slaves was to be as sacredly preserved, and protected to them, as that of land, or any other kind of property in the Eastern States were to be to their citizens.

The term, or word, migration, applies wholly to free whites; in its Constitutional sense, as intended by the Convention, it means "voluntary change of servitude," from one country to another. The reasons of its being adopted and used in the Constitution, as far as I can recollect, were these; that the Constitution being a frame of government, consisting wholly of delegated powers, all power, not expressly delegated, being reserved to the people or the States, it was supposed, that, without some express grant to them of power on the subject, Congress would not be authorized ever to touch the question of migration hither, or emigration to this country, however pressing or urgent the necessity for such a measure might be; that they could derive no such power from the usages of nations, or even the laws of war; that the latter would only enable them to make prisoners of alien enemies, which would not be sufficient, as spies or other dangerous emigrants, who were not alien enemies, might enter the country for treasonable purposes, and do great injury; that, as all governments possessed this power, it was necessary to give it to our own, which could alone exercise it, and where, on other and much greater points, we had placed unlimited confidence; it was, therefore, agreed that, in the same article, the word migration should be placed; and that, from the year 1808, Congress should possess the complete power to stop either or both, as they might suppose the public interest required; the article, therefore, is a *negative pregnant*, restraining for twenty years, and giving the power after.

The reasons for restraining the power to prevent migration hither for twenty years, were, to the best of my recollections, these; That, as at this time, we had immense and almost immeasurable territory, peopled by not more than two millions and a half of inhabitants, it was of very great consequence to encourage the emigration of able, skilful, and industrious Europeans. The wise con-

duct of William Penn, and the unexampled growth of Pennsylvania, were cited. It was said, that the portals of the only temple of true freedom now existing on earth should be thrown open to all mankind; that all foreigners of industrious habits should be welcome, and none more so than men of science, and such as may bring to us arts we are unacquainted with, or the means of perfecting those in which we are not yet sufficiently skilled—capitalists whose wealth may add to our commerce or domestic improvements; let the door be ever and most affectionately open to illustrious exiles and sufferers in the cause of liberty; in short, open it liberally to science, to merit, and talents, wherever found, and receive and make them your own. That the safest mode would be to pursue the course for twenty years, and not, before that period, put it at all into the power of Congress to shut it; that, by that time, the Union would be so settled, and our population would be so much increased, we could proceed on our own stock, without the farther accession of foreigners; that as Congress were to be prohibited from stopping the importation of slaves to settle the Southern States, as no obstacles was to be thrown in the way of their increase and settlement for that period, let it be so with the Northern and Eastern, to which, particularly New York and Philadelphia it was expected most of the emigrants would go from Europe: and it so happened, for, previous to the year 1808, more than double as many Europeans emigrated to these States, as of Africans were imported into the Southern States.

Connecting the question of importing slaves with that of counting them to determine the representation in the national legislature, the framers engaged in a heated debate as to whether or not the Southern States would always have a majority in that body by encouraging the slave trade. Carolina and Georgia, however, stood firm for the right to import slaves.

On July 23 General Pinckney reminded the Convention that if the Committee should fail to insert some security to the Southern States agst. an emancipation of slaves, and taxes on exports, he shd. be bound by duty to his State to vote agst. their Report—The appt. of a Come. as moved by Mr. Gerry, Agd. to nem. con.²¹

²¹ *Records of the Federal Convention*, II, p. 95.

The Committee of Detail, therefore, reported:

2 no prohibitions or (such) (ye) Importations of such inhabitants (or people as the sevl. States think proper to admit)

No Tax or Duty shall be laid by the Legislature, on Articles exported from any State; nor on the emigration or importation of such Persons as the several States shall think proper to admit; nor shall such emigration or importation be prohibited.

No Capitation Tax shall be laid, unless in Proportion to the Census herein before directed to be taken.

The draft of the constitution reported on August 6 carried:³²

Sect. 4. No tax or duty shall be laid by the Legislature on articles exported from any State; nor on the migration or importation of such persons as the several States shall think proper to admit; nor shall such migration or importation be prohibited.

On the eighth of August, King remarked:³²

Mr. King wished to know what influence the vote just passed was meant have on the succeeding part of the Report, concerning the admission of slaves into the rule of Representation. He could not reconcile his mind to the article if it was to prevent objections to the latter part. The admission of slaves was a most grating circumstance to his mind, & he believed would be so to a great part of the people of America. He had not made a strenuous opposition to it heretofore because he had hoped that this concession would have produced a readiness which had not been manifested, to strengthen the Genl. Govt. and to mark a full confidence in it. The Report under consideration had by the tenor of it, put an end to all these hopes. In two great points the hands of the Legislature were absolutely tied. The importation of slaves could not be prohibited—exports could not be taxed. Is this reasonable? What are the great objects of the Genl. System? 1. defence agst. foreign invasion. 2 agst. internal sedition. Shall all the States then be bound to defend each; & shall each be at liberty to introduce a weakness which will render defence more difficult? Shall one part of the U. S. be bound to defend another part, and that other part be at liberty not only to increase its own danger, but to withhold the compensation for the burden? If slaves are to be imported shall

³² *Records of the Federal Convention*, p. 183.

not the exports produced by their labor, supply a revenue the better to enable the Genl. Govt. to defend their masters?—There was so much inequality & unreasonableness in all this, that the people of the N(orthern) States could never be reconciled (to it). No candid man could undertake to justify it to them. He had hoped that some accommodation wd. have taken place on this subject; that at least a time wd. have been limited for the importation of slaves. He never could agree to let them be imported without limitation & then be represented in the Natl. Legislature. Indeed he could so little persuade himself of the rectitude of such a practice, that he was not sure he could assent to it under any circumstances. At all events, either slaves should not be represented, or exports should be taxable.

Mr. Sherman regarded the slave-trade as iniquitous; but the point of representation having been settled after much difficulty & deliberation, he did not think himself bound to make opposition; especially as the present articles as amended did not preclude any arrangement whatever on that point in another place of the Report.

Mr. Govr. Morris moved to insert " free " before the word " inhabitants." Much he said would depend on this point. He never would concur in upholding domestic slavery. It was a nefarious institution—It was the curse of heaven on the States where it prevailed. Compare the free regions of the Middle States, where a rich & noble cultivation marks the prosperity & happiness of the people, with the misery & poverty which overspread the barren wastes of Va. Maryd & the other States having slaves. (Travel thro' ye whold Continent & you behold the prospect continually varying with the appearance and disappearance of slavery. The moment you leave ye E Sts. & enter N. York, the effects of the institution become visible; Passing thro' the Jerseys and entering Pa—every criterion of superior improvement witnesses the change. Proceed Southwdly, & every step you take thro' ye great regions of slaves, presents a desert increasing with ye increasing proportion of these wretched beings.)

Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them Citizens & let them vote? Are they property? Why then is no other property included? The Houses in this City (Philada.) are worth more than all the wretched slaves which cover the rice swamps of South Carolina. The admission of slaves into the Representation when fairly explained comes to this: that inhabitant of Georgia and S.

C. who goes to the Coast of Africa and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections & dam(n)s them to the most cruel bondages, shall have more votes in a Govt. instituted for protection of the rights of mankind, than the Citizens of Pa or N. Jersey who views with a laudable horror, so nefarious a practice. He would add that Domestic slavery is the most prominent feature in the aristocratic countenance of the proposed Constitution. The vassalage of the poor has ever been the favorite offspring of Aristocracy. And What is the proposed compensation to the Northern States for a sacrifice of every principle of right, of every impulse of humanity. They are to bind themselves to march their militia for the defence of the S. States; for their defence agst those very slaves of whom they complain. They must supply vessels & seamen, in case of foreign Attack. The Legislature will have indefinite power to tax them by excises, and duties on imports; both of which will fall heavier on them than on the Southern inhabitants; for the bohea tea used by a Northern freeman, will pay more tax than the whole consumption of the miserable slave, which consists of nothing more than his physical subsistence and the rag that covers his nakedness. On the other side the Southern States are not to be restrained from importing fresh supplies of wretched Africans, at once to increase the danger of attack, and the difficulty of defence; nay they are to be encouraged to it by an assurance of having their votes in the Natl Govt increased in proportion. and are at the same time to have their exports & their slaves exempt from all contributions for the public service. Let it not be said that direct taxation is to be proportioned to representation. It is idle to suppose that the Genl Govt. can stretch its hand directly into the pockets of the people scattered over so vast a Country. They can only do it through the medium of exports imports & excises. For what then are all these sacrifices to be made? He would sooner submit himself to a tax for paying for all the Negroes in the U. States, than saddle posterity with such a Constitution.

Mr. Dayton 2ded. the motion. He did it he said that his sentiments on the subject might appear whatever might be the fate of the amendment.

Mr. Sherman. did not regard the admission of the Negroes into the ratio of representation, as liable to such insuperable objections. It was the freemen of the Southn. States who were in fact to be

represented according to the taxes paid by them, and the Negroes are only included in the Estimate of the taxes. This was his idea of the matter.

Mr. Pinkney, considered the fisheries & the Western frontier as more burdensome to the U. S. than the slaves— He thought this could be demonstrated if the occasion were a proper one.

Mr Wilson. thought the motion premature— An agreement to the clause would be no bar to the object of it.

Question On Motion to insert “free” before “inhabitants.”

N. H.—no. Mas. no. Ct. no. N. J. ay. Pa. no. Del. no. Md. no. Va. no. S. C. no. N. C. no. Geo. no. (Ayes—1; noes—10.)”

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Luther Martin (some days thereafter), proposed to vary the sect: 4. art VII so as to allow a prohibition or tax on the importation of slaves,

1. As five slaves are to be counted as 3 free men in the apportionment of Representatives; such a clause wd. leave an encouragement to this traffic.

2 slaves weakened one part of the Union which the other parts were bound to protect: the privilege of importing them was therefore unreasonable—

3. it was inconsistent with the principles of the revolution and dishonorable to the American character to have such a feature in the Constitution.

Mr Rutledge did not see how the importation of slaves could be encouraged by this section. He was not apprehensive of insurrections and would readily exempt the other States from the (obligation to protect the Southern against them).—

Religions & humanity had nothing to do with this question—Interest alone is the governing principle with Nations—The true question at present is whether the Southn. States shall or shall not be parties to the Union. If the Northern States consult their interest, they will not oppose the increase of Slaves which will increase the commodities of which they will become the carriers.

Mr. Ellsworth was for leaving the clause as it stands. let every State import what it pleases. The morality or wisdom of slavery are considerations belonging to the States themselves—What enriches a part enriches the whole, and the States are the best judges of their particular interest. The old confederation had not

²² *Records of the Federal Convention*, II, pp. 220–221.

meddled with this point, and he did not see any greater necessity for bringing it within the policy of the new one:

Mr Pinkney. South Carolina can never receive the plan if it prohibits the slave trade. In every proposed extension of the powers of Congress, that State has expressly & watchfully excepted that of meddling with the importation of negroes. If the States be all left at liberty on this subject, S. Carolina may perhaps by degrees do of herself what is wished, as Virginia & Maryland have already done.²⁴

Adjourned

Art. VII sect 4. resumed. Mr. Sherman was for leaving the clause as it stands. He disapproved of the slave trade: yet as the States were now possessed of the right to import slaves, as the public good did not require it to be taken from them, & as it was expedient to have as few objections as possible to the proposed scheme of Government, he thought it best to leave the matter as we find it.²⁴ He observed that the abolition of slavery seemed to be going on in the U. S. & that the good sense of the several States would probably by degrees complete it. He urged on the Convention the necessity of despatch(ing its business.)

Col. Mason. This infernal traffic originated in the avarice of British Merchants. The British Govt. constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing States alone but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the Enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves, as it did by the Tories. He mentioned the dangerous insurrections of the slaves in Greece and Sicily; and the instructions given by Cromwell to the Commissioners sent to Virginia to arm the servants & slaves, in case other means of obtaining its submission should fail. Maryland & Virginia he said had already prohibited the importation of slaves expressly. N. Carolina had done the same in substance. All this would be in vain if S. Carolina & Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands; and will fill that Country with slaves if they can be got thro' S. Carolina & Georgia. Slavery discourages arts & manufactures. The poor despise labor when performed by slaves.

²⁴ *Records of the Federal Convention*, II, pp. 364-365.

They prevent the immigration of Whites, who really enrich & strengthen a Country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country. As nations can not be rewarded or punished in the next world they must be in this. By an inevitable chain of causes & effects providence punishes national calamities. He lamented that some of our Eastern brethren had from a lust of gain embarked in this nefarious traffic. As to the States being in possession of the Right to import, this was the case with many other rights, now to be properly given up. He held it essential in every point of view, that the Genl. Govt. should have power to prevent the increase of slavery.

Mr. Ellsworth. As he had never owned a slave could not judge of the effects of slavery on character. He said however that if it was to be considered in a moral light we ought to go farther and free those already in the Country.—As slaves also multiply so fast in Virginia & Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary, if we go no farther than is urged, we shall be unjust towards S. Carolina & Georgia—Let us not intermeddle. As population increases; poor laborers will be so plenty as to render slaves useless. Slavery in time will not be a speck in our Country. Provision is already taken place in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts. As to the danger of insurrection from foreign influence, that will become a motive to kind treatment of the slaves.

Mr. Pinkney— If slavery be wrong, it is justified by the example of the world. He cited the case of Greece Rome & other ancient States; the sanction given by France, England, Holland & other modern States. In all ages one half of mankind have been slaves. If the S. States were let alone they will probably of themselves stop importations. He wd. himself as a Citizen of S. Carolina vote for it. An attempt to take away the right as proposed will produce serious objections to the Constitution which he wished to see adopted.

General Pinkney declared it to be his firm opinion that if himself & all his colleagues were to sign the Constitution & use their personal influence, it would be of no avail towards obtaining the assent of their Constituents. S. Carolina & Georgia cannot do without slaves. As to Virginia she will gain by stopping the im-

portations. Her slaves will rise in value, & she has more than she wants. It would be unequal to require S. C. & Georgia to confederate on such unequal terms. He said the Royal assent before the Revolution had never been refused to S. Carolina as to Virginia. He contended that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade; the more consumption also, and the more of this, the more of revenue for the common treasury. He admitted it to be reasonable that slaves should be dutied like other imports, but should consider a rejection of the clause as an exclusion of S. Carola from the Union.

Mr. Baldwin had conceived national object alone to be before the Convention, not such as like the present were of a local nature. Georgia was decided on this point. That State has always hitherto supposed a Genl Government to be the pursuit of the central States who wished to have a vortex for every thing—that her distance would preclude her from equal advantage—& that she could not prudently purchase it by yielding national powers. From this it might be understood in what light she would view an attempt to abridge one of her favorite prerogatives. If left to herself, she may probably put a stop to the evil. As one ground for this conjecture, he took notice of the sect of which he said was a respectable class of people, who carried their ethics beyond the mere *equality of men*, extending their humanity to the claims of the whole animal creation.

Mr. Wilson observed that if S. C. & Georgia were themselves disposed to get rid of the importation of slaves in a short time as had been suggested, they would never refuse to unite because the importation might be prohibited. As the Section now stands all articles imported are to be taxed. Slaves alone are exempt. This is in fact a bounty on that article.

Mr. Gerry thought we had nothing to do with the conduct of the States as to Slaves, but ought to be careful not to give any sanction to it.

Mr. Dickinson considered it as inadmissible on every principle of honor & safety that the importation of slaves should be authorized to the States by the Constitution. The true question was whether the national happiness would be promoted or impeded by the importation, and this question ought to be left to the National Govt. not to the States particularly interested. If Engd. & France permit slavery, slaves are at the same time excluded from both those

kingdoms. Greece and Rome were made unhappy by their slaves. He could not believe that the Southn. States would refuse to confederate on the account apprehended; especially as the power was not likely to be immediately exercised by the Genl. Government.

Mr Williamson stated the law of N. Carolina on the subject, to wit that it did not directly prohibit the importation of slaves. It imposed a duty of £5. on each slave imported from Africa. £10. on each from elsewhere, & £50 on each from a State licensing manumission. He thought the S. States could not be members of the Union if the clause should be rejected, and that it was wrong to force any thing down, not absolutely necessary, and which any State must disagree to.

Mr. King thought the subject should be considered in a political light only. If two States will not agree to the Constitution as stated on one side, he could affirm with equal belief on the other, that great & equal opposition would be experienced from the other States. He remarked on the exemption of slaves from duty whilst every other import was subjected to it, as an inequality that could not fail to strike the commercial sagacity of the Northn. & middle States.

Mr. Langdon was strenuous for giving the power to the Genl Govt. He cd. not with a good conscience leave it with the States who could then go on with the traffic, without being restrained by the opinions here given that they will themselves cease to import slaves.

Genl. Pinkney thought himself bound to declare candidly that he did not think S. Carolina would stop her importations of slaves in any short time, but only stop them occasionally as she now does. He moved to commit the clause that slaves might be made liable to an equal tax with other imports which he thought right & wh. wd. remove one difficulty that had been started.

Mr. Rutledge. If the Convention thinks that N. C.; S. C. & Georgia will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools as to give up so important an interest. He was strenuous agst. striking out the Section, and seconded the motion of Genl. Pinkney for a commitment.

Mr. Govr. Morris wished the whole subject to be committed including the clauses relating to taxes on exports & to a navigation act. These things may form a bargain among the Northern & Southern States.

Mr. Butler declared that he never would agree to the power of taxing exports.

Mr. Sherman said it was better to let the S. States import slaves than to part with them, if they made that a *sine qua non*. He was opposed to a tax on slaves imported as making the matter worse, because it implied they were *property*. He acknowledged that if the power of prohibiting the importation should be given to the Genl. Government that it would be exercised. He thought it would be its duty to exercise the power.

Mr. Read was for the commitment provided the clause concerning taxes on exports should also be committed.

Mr. Sherman observed that that clause had been agreed to & therefore could not be committed.

Mr. Randolph was for committing in order that some middle ground might, if possible, be found. He could never agree to the clause as it stands. He wd. sooner risk the constitution—He dwelt on the dilemma to which the Convention was exposed. By agreeing to the clause, it would revolt the Quakers, the Methodists, and many others in the State having no slaves. On the other hand, two States might be lost to the Union. Let us then, he said, try the chance of a commitment.

On the question for committing the remaining part of Sect. 4 & 5. of art: 7. N. H. no. Mas. abst. Cont. ay N. J. ay Pa. no. Del. no Maryd ay. Va ay. N. C. ay S. C. ay. Geo. ay. Geo. ay. (Ayes—7; noes—3; absent—1.)

Mr. Pinkney & Mr. Langdon moved to commit sect. 6. as to navigation act (by two thirds of each House.)

Mr. Gorham did not see the propriety of it. Is it meant to require a greater proportion of votes? He desired it to be remembered that the Eastern States had no motive to Union but a commercial one. They were able to protect themselves. They were not afraid of external danger, and did not need the aid of the Southn. States.

Mr. Wilson wished for a commitment in order to reduce the proportion of votes required.

Mr. Ellsworth was for taking the plan as it is. This widening of opinions has a threatening aspect. If we do not agree on this middle & moderate ground he was afraid we should lose two States, with such others as may be disposed to stand aloof, should fly into a variety of shapes & directions, and most probably into several confederations and not without bloodshed.

On Question for committing 6 sect. as to navigation Act to a member from each State—N. H. ay—Mas. ay. Ct. no. N. J. no. Pa. ay. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay. (Ayes—9; noes—2;)²⁵

McHenry has the following note on slavery for the twenty-second of August:

Committed the remainder of the 4 sect. with the 5 and 6.

The 4 sect promitting the importation of Slaves gave rise to much desultory debate.

Every 5 slaves counted in representation as one elector without being equal in point of strength to one *white* inhabitant.

This gave the slave States an advantage in representation over the others.

The slaves were moreover exempt from duty on importation.

They served to render the representation from such States aristocratical.

It was replied—That the population or increase of slaves in Virginia exceeded their calls for their services—That a prohibition of Slaves into S. Carolina Georgia etc—would be a monopoly in their favor. These States could not do without Slaves—Virginia etc would make their own terms for such as they might sell.

Such was the situation of the country that it could not exist without slaves—That they could confederate on no other condition.

They had enjoyed the right of importing slaves when colonies.

They enjoyed it as States under the confederation—And if they could not enjoy it under the proposed government, they could not associate or make a part of it.

Several additions were reported by the Committee.²⁶

Upon taking up the Report of the Committee of Eleven on the twenty-fifth of August

Genl Pinkney moved to strike out the words “ the year eighteen hundred ” (as the year limiting the importation of slaves,) and to insert the words “ the year eighteen hundred and eight ”

Mr. Ghorum 2ded the motion

Mr. Madison. Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a

²⁵ *Records of the Federal Convention*, II, pp. 369–375.

²⁶ *Ibid.*, II, p. 378.

term will be more dishonorable to the National character than to say nothing about it in the Constitution.

On the motion; (which passed in the affirmative.)

N—H ay. Mas. ay— Ct. ay. N. J. no. Pa. no Del—no. Md. ay. Va. no. N—C. ay. S—C. ay. Geo. ay. (Ayes—7; noes—4.)

Mr. Govr. Morris was for making the clause read at once, "importation of slaves into N. Carolina, S—Carolina & Georgia." (shall not be prohibited &c.) This he said would be most fair and would avoid the abiguity by which, under the power with regard to naturalization, the liberty reserved to the States might be defeated. He wished it to be known also that this part of the Constitution was a compliance with those States. If the change of language however should be objected to by the members from those States, he should not urge it.

Col: Mason was not against using the term "slaves" but agst naming N—C—S—C. & Georgia, lest it should give offence to the people of those States.

Mr Sherman liked a description better than the terms proposed, which had been declined by the old Congs & were not pleasing to some people. Mr. Clymer concurred with Mr. Sherman.

Mr. Williamson said that both in opinion & practice he was, against slavery; but thought it more in favor of humanity, from a view of all circumstances, to let in S—C & Georgia on those terms, than to exclude them from the Union—

Mr. Govr. Morris withdrew his motion.

Mr. Dickenson wished the clause to be confined to the States which had not themselves prohibited the importation of slaves, and for that purpose moved to amend the clause so as to read "The importation of slaves into such of the States as shall permit the same shall not be prohibited by the Legislature of the U—S— until the year 1808"—which was agreed to nem: cont:

The first part of the report was then agreed to, amended as follows. "The migration or importation of such persons as the several States now existing shall think proper to admit shall not be prohibited by the Legislature prior to the year 1808." N. H. Mas. Con. Md. N. C. S. C: Geo: . . . ay N. J. Pa. Del Virga . . . no. (Ayes—7; noes—4).

Mr. Baldwin in order to restrain & more explicitly define "the average duty" moved to strike out of the 2d. part the words "average of the duties laid on imports" and insert "common impost on articles not enumerated" which was agreed to nem: cont:

Mr. Sherman was agst. this 2d part, as acknowledging men to be property, by taxing them as such under the character of slaves,

Mr. King & Mr. Langdon considered this as the price of the 1st part.

Genl. Pinkney admitted that it was so.

Col. Mason. Not to tax, will be equivalent to a bounty on the importation of slaves.

Mr. Ghorum thought that Mr. Sherman should consider the duty, not as implying that slaves are property, but as a discouragement to the importation of them.

Mr. Govr. Morris remarked that as the clause now stands it implies that the Legislature may tax freemen imported.

Mr. Sherman in answer to Mr. Ghorum observed that the smallness of the duty shewed revenue to be the object, not the discouragement of the importation.

Mr. Madison thought it wrong to admit in the Constitution the idea that there could be property in men. The reason of duties did not hold, as slaves are not like merchandise, consumed &c.

Col. Mason (in answr. to Govr. Morris) the provision as it stands was necessary for the case of Convicts in order to prevent the introduction of them.

It was finally agreed nem: contrad: to make the clause read "but a tax or duty may be imposed on such importation not exceeding ten dollars for each person", and then the 2d. part as amended was agreed to.

Sect 5—art—VII was agreed to nem: con: as reported.

Sect 6. art. VII. in the Report was, postponed.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.²⁷

James McHenry said before the Maryland House of Delegates in November 29, 1787:

Conventions were anxious to procure a perpetual decree against the importation of Slaves; but the Southern States could not be brought to consent to it—All that could possible be obtained was a temporary regulation which the Congress may vary hereafter.²⁸

²⁷ *Records of the Federal Convention*, II, pp. 415-417.

²⁸ *Maryland Historical Magazine*, December, 1909.

In 1787 James Wilson said before the Convention called in Pennsylvania to ratify the constitution:

With respect to the clause restricting Congress from prohibiting the migration or importation of such persons as any of the States now existing shall think proper to admit, prior to the year 1808, the honorable gentleman says that this clause is not only dark, but intended to grant to Congress, for that time, the power to admit the importation of slaves. No such thing was intended; but I will tell you what was done, and it gives me high pleasure that so much was done. Under the present confederation, the States may admit the importation of the slaves as long as they please; but by this article, after the year 1808, the Congress will have power to prohibit such importation, notwithstanding the disposition of any State to the contrary. I consider this as laying the foundation for banishing slavery out of this country; and though the period is more distant than I could wish, yet it will produce the same kind, gradual change which was pursued in Pennsylvania. It is with much satisfaction I view this power in the general government, where by they may lay an interdiction on this reproachful trade. But an immediate advantage is also obtained for a tax or duty may be imposed on such importation not exceeding ten dollars for each person; and this, Sir, operates as a partial prohibition. It was all that could be obtained. I am sorry it was no more; but from this I think there is reason to hope that yet a few years, and it will be prohibited altogether. And in the meantime, the new States which are to be formed will be under the control of Congress in this particular, and slaves will never be introduced amongst them. The gentleman says that it is unfortunate in another point of view: it means to prohibit the introduction of white people from Europe, as this may deter them from coming amongst us. A little impartiality and attention will discover the care that the convention took in selecting their language. The words are, the *migration or IMPORTATION* of such persons, etc., shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such *IMPORTATION*. It is observable here that the term migration is dropped when a tax or duty is mentioned, so that Congress have power to impose the tax only on those imported.²⁹

Referring to George Mason's objections to the Constitution, Oliver Ellsworth said:

²⁹ McMaster and Stone, *Pennsylvania and the Federal Constitution*, pp. 311-313.

*The general Legislature is restrained from prohibiting the further importation of slaves for twenty odd years. . . . His objections are . . . that such importations render the United States weaker, more vulnerable, and less capable of defence. To this I readily agree, and all good men wish the entire abolition of slavery, as soon as it can take place with safety to the public, and for the lasting good of the present wretched race of slaves. The only possible step that could be taken towards it by the convention was to fix a period after which they should not be imported.*⁴⁰

In his "Genuine Information" delivered before the Maryland Legislature November 29, 1787, Luther Martin said:

(56) By the *ninth* section of this article, the importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited prior to the year one thousand eight hundred and eight; but a duty may be imposed on such importation, not exceeding ten dollars for each person.

(57) The design of this clause is to prevent the general government from prohibiting the importation of slaves; but the same reasons which caused them to strike out the word "*national*," and not admit the word "*stamps*," influenced them here to guard against the word "*slaves*." They anxiously sought to avoid the admission of expressions which might be odious in the ears of Americans, although they were willing to admit into their system those *things* which the *expressions* signified. And hence it is, that the clause is so worded, as really to authorize the general government to impose a duty of ten dollars on every foreigner who comes into a State to become a citizen, whether he comes *absolutely* free, or *qualifiedly* so, as a servant; although this is contrary to the design of the framers, and the duty was only meant to extend to the importation of *slaves*.

(58) This clause was the subject of a great diversity of sentiment in the convention. As the system was reported by the committee of detail, the provision was general, that such importation should not be prohibited, without confining it to any particular period. This was rejected by eight States,—Georgia, South Carolina, and I think North Carolina, voting for it.

(59) We were then told by the delegates of the two first of

⁴⁰ P. L. Ford, *Essay on the Convention*, pp. 161-166.

those States, that their States would never agree to a *system*, which put in it the power of the general government to prevent the importation of slaves, and that they, as delegates from those States, must withhold their assent from such a system.

(60) A committee of one member from each State was chosen by ballot, to take this part of the system under their consideration, and to endeavor to agree upon some report, which should reconcile those States. To this committee also was referred the following proposition, which had been reported by the committee of detail, to wit; "No *navigation* act shall be passed without the assent of *two thirds* of the members present in each House;" a proposition which the *staple* and *commercial States* were solicitous to *retain*, lest their *commerce* should be placed too much under the power of the *eastern States*; but which these last States were as anxious to *reject*. This committee, of which also I had the honor to be a member, met and took under their consideration the subjects committed to them. I found the *eastern States*, notwithstanding their *aversion to slavery*, were very willing to indulge the southern States, at least with a temporary liberty to prosecute the *slave-trade*, provided the southern States would, in their turn, gratify them, by laying *no restrictions on navigation acts*; and after a very little time the committee, by a great majority agreed on a report, by which the general government was to be prohibited from preventing the importation of slaves for a limited time, and the restrictive clause relative to navigation acts was to be omitted.

(61) This report was adopted by a majority of the convention but not without considerable opposition. It was said, that we had just assumed a place among independent nations, in consequence of our opposition to the attempts of Great Britain to *enslave us*; that this opposition was grounded upon the preservation of *those rights* to which God and nature had entitled *us*, not in *particular*, but in *common* with *all the rest of mankind*; that we had *appealed* to the *Supreme Being* for his *assistance*, as the *God of freedom*, who could not but *approve* our efforts to preserve the *rights* which he had thus *imparted to his creatures*; that, now, when we scarcely had risen from our *knees*, from *supplicating* his *aid* and *protection*, in *forming* our government over a *free people*, a government formed pretendedly on the *principles of liberty* and for *its preservation*,—in *that* government, to have a provision not only putting it out of *its* power to *restrain* and *prevent* the *slave-trade*, but *even encouraging* *that most infamous traffic*, by giving the *States* power and influence

in the *Union*, in proportion as cruelly and wantonly sport with the rights of their fellow creatures, ought to be considered as a solemn mockery, of an insult to that God whose protection we had then implored, and could not fail to hold us up in detestation, and render us contemptible to every true friend of liberty in the world. It was said, it ought to be considered that national crimes can only be, and frequently are punished in this world, by national punishments; and that the continuance of the slave-trade, and thus giving it a national sanction and encouragement, ought to be considered as justly exposing us to the displeasure and vengeance of Him, who is equally Lord of all, and who views with equal eye the poor African slave and his American master.

(62) It was urged, that, by this system, we were giving the general government full and absolute power to regulate commerce, under which general power it would have a right to *restrain*, or *totally prohibit*, the *slave-trade*; it must, therefore, appear to the world absurd and disgraceful to the last degree, that we should *except* from the exercise of that power, the *only branch* of commerce which is *unjustifiable in its nature*, and *contrary* to the rights of mankind; that, on the contrary, we ought rather to *prohibit expressly* in our constitution, the *further importation of slaves*; and to *authorize* the general government, from time to time, to make such regulations as should be thought most advantageous for the *gradual abolition of slavery*, and the *emancipation* of the slaves which are already in the States: That *slavery* is *inconsistent* with the *genius* of *republicanism*, and has a tendency to *destroy* those principles on which it is supported, as it *lessens* the sense of the *equal rights of mankind*, and habituates us to *tyranny* and *oppression*.

(63) It was further urged that, by this system of government, every State is to be protected both from *foreign invasion* and from *domestic insurrections*; that, from this consideration, it was of the *utmost importance* it should have a power to restrain the importation of slaves; since in *proportion* as the number of slaves are increased in any State, in the *same proportion* the State is *weakened*, and *exposed* to foreign invasion or domestic insurrection, and *by so much less* will it be able to protect itself against *either*; and, therefore will by so much the more want aid from, and be a burden to the Union. It was further said, that as, in this system, we were giving the general government a power under the idea of national character, or national interest, to regulate even our *weights* and

measures, and have prohibited all possibility of *emitting paper money*, and *passing instalment laws*, &c., it must appear still more extraordinary, that we should prohibit the government from interfering with the slave-trade than which, *nothing* could so *materially affect* both our *national honor* and *interest*. These reasons influenced me, both on the committee and in convention, most decidedly to oppose and vote against the clause as it now makes a part of the system.

(64). You will perceive, Sir, not only that the general government is prohibited from interfering in the slave-trade *before* the year eighteen hundred and eight, but that there is no provision in the constitution that it shall *afterwards* be prohibited, nor any security that such prohibition will ever take place; and I think there is great reason to believe, that, if the importation of slaves is permitted until the year eighteen hundred and eight, it will not be prohibited afterwards. At *this time*, we do not generally hold this commerce in so great *abhorrence* as we have done. When our *own* liberties were at stake, we *warmly* felt for the *common rights of men*. The danger being thought to be past, which threatened ourselves, we are daily growing *more insensible* to those rights. In those States which have restrained or prohibited the importation of slaves, it is only done by legislative acts, which may be repealed. When those States find, that they must, in their *national character* and *connexion*, suffer in the *disgrace*, and share in the *inconveniences* attendant upon that detestable and iniquitous traffic, they may be desirous also to share in the *benefits* arising from it; and the odium attending it will be greatly effaced by the sanction which is given to it in the general government.⁴¹

In Elliot's Debates we find the following accredited to General Pinckney.

. . . The general then said he would make a few observations on the objections which the gentleman had thrown out on the restrictions that might be laid on the African trade after the year 1808. On this point your delegates had to contend with the religious and political prejudices of the Eastern and Middle States, and with the interested and inconsistent opinion of Virginia, who was warmly opposed to our importing more slaves. I am of the same opinion now as I was two years ago, when I used the expres-

⁴¹ *Records of the Federal Convention*, III, pp. 210-213.

sions the gentleman has quoted—that, while there remained one acre of swampland uncleared of South Carolina, I would raise my voice against restricting the importation of negroes. I am so thoroughly convinced as that gentleman is, that the nature of our climate, and the flat, swampy situation of our country, obliges us to cultivate our lands with negroes, and that without them South Carolina would soon be a desert waste.

You have so frequently heard my sentiments on this subject that I need not now repeat them. It was alleged, by some of the members who opposed an unlimited importation, that slaves increased the weakness of any state who admitted them; that they were a dangerous species of property, which an invading enemy could easily turn against ourselves and the neighboring states; and that, as we were allowed a representation for them in the House of Representatives, our influence in government would be increased in proportion as we were less able to defend ourselves. “Show some period,” said the members from the Eastern States, “when it may be in our power to put a stop, if we please, to the importation of this weakness, and we will endeavor, for your convenience, to restrain the religious and political prejudices of our people on this subject.” The Middle States and Virginia made us no such proposition; they were for an immediate and total prohibition. We endeavored to obviate the objections that were made in the best manner we could, and assigned reasons for our insisting on the importation, which there is no occasion to repeat, as they must occur to every gentleman in the house; a committee of the states was appointed in order to accommodate this matter, and, after a great deal of difficulty, it was settled on the footing recited in the Constitution.

By this settlement we have secured an unlimited importation of negroes for twenty years. Nor is it declared that the importation shall be then stopped; it may be continued. We have a security that the general government can never emancipate them, for no such authority is granted; and it is admitted, on all hands, that the general government has no powers but what are expressly granted by the Constitution, and that all rights not expressed were reserved by the several states. We have obtained a right to recover our slaves in whatever part of America they may take refuge, which is a right we had not before. In short, considering all circumstances, we have made the best terms for the security of this species of property it was in our power to make. We would have

made better if we could; but, on the whole, I do not think them bad.⁴²

Mr. Madison said in the Virginia ratifying Convention, June 17, 1787:

Mr. Chairman—I should conceive this clause to be impolitic, if it were one of those things which could be excluded without encountering greater evils.—The southern states would not have entered into the union of America, without the temporary permission of that trade. And if they were excluded from the union, the consequences might be dreadful to them and to us. We are not in a worse situation than before. That traffic is prohibited by our laws, and we may continue the prohibition. The union in general is not in a worse situation. Under the articles of confederation, it might be continued forever: But by this clause an end may be put to it after twenty years. There is therefore an amelioration of our circumstances. A tax may be laid in the mean time; but it is limited, otherwise congress might lay such a tax on slaves as will amount to manumission. Another clause secures us that property which we now possess. At present, if any slave elopes to any of those states where slaves are free, he becomes emancipated by their laws. For the laws of the states are uncharitable to one another in this respect. But in this constitution, “no person held to service, or labor, in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.”—This clause was expressly inserted to enable owners of slaves to reclaim them. This is a better security than any that now exists. No power is given to the general government to interpose with respect to the property in slaves now held by the states. The taxation of this state being equal only to its representation, such a tax cannot be laid as he supposes. They cannot prevent the importation of slaves for twenty years; but after that period they can. The gentlemen from South-Carolina and Georgia argued in this manner:—“We have now liberty to import this species of property, and much of the property now possessed has been purchased, or otherwise acquired, in contemplation of improving it by the assistance of imported slaves. What would be the consequence of hindering us from it? The slaves of Virginia would rise in value,

⁴² Elliot, *Debates*, IV, pp. 277–286.

and we would be obliged to go to your markets." I need not expatiate on this subject. Great as the evil is, a dismemberment of the union would be worse. If those states should disunite from the other states, for not indulging them in the temporary continuance of this traffic, they might solicit and obtain aid from foreign powers. . . .

(*The 2d, 3d, and 4th clauses read.*)

. . . Mr. *Madison* replied, that even the southern states, who were most affected, were perfectly satisfied with this provision, and dreaded no danger to the property they now hold. It appeared to him, that the general government would not intermeddle with that property for twenty years, but to lay a tax on every slave imported, not exceeding ten dollars; and that after the expiration of that period they may prohibit the traffic altogether. The census in the constitution was intended to introduce equality in the burdens to be laid on the community.—No gentleman objected to laying duties, imposts, and exercises, uniformly. But uniformity of taxes would be subversive of the principles of equality: For that it was not possible to select any article which would be easy for one state, but what would be heavy for another.—. . .⁴³

In 1789 Madison said:

I conceive the constitution, in this particular, was formed in order that the Government, whilst it was restrained from laying a total prohibition, might be able to give some testimony of the sense of America with respect to the African trade. We have liberty to impose a tax or duty upon the importation of such persons, as any of the States now existing shall think proper to admit; and this liberty was granted, I presume, upon two considerations: The first was, that until the time arrived when they might abolish the importation of slaves, they might have an opportunity of evidencing their sentiments on the policy and humanity of such a trade. The other was, that they might be taxed in due proportion with other articles imported; for if the possessor will consider them as property, of course they are of value, and ought to be paid for.⁴⁴

According to Elliot, Spaight said on July 26, 1787:

Mr. Spaight answered, that there was a contest between the Northern and Southern States; that the Southern States, whose

⁴³ Robertson, *Debates of the Convention of Virginia*, pp. 321-345.

⁴⁴ *Annals of Congress*, 1st session, I, pp. 339-340.

principal support depended on the labor of slaves, would not consent to the desire of the Northern States to exclude the importation of slaves absolutely; that South Carolina and Georgia insisted on this clause, as they were now in want of hands to cultivate their lands; that in the course of twenty years they would be fully supplied; that the trade would be abolished then, and that, in the mean time, some tax or duty might be laid on. . . .

Mr. Spaight further explained the clause. That the limitation of this trade to the term of twenty years was a compromise between the Eastern States and the Southern States. South Carolina and Georgia wished to extend the term. The Eastern States insisted on the entire abolition of the trade. That the state of North Carolina had not thought proper to pass any law prohibiting the importation of slaves, and therefore its delegation in the Convention did not think themselves authorized to contend for an immediate prohibition of it. . . .⁴⁵

In the House of Representatives on February 12, 1790:

Mr. Baldwin was sorry the subject had ever been brought before Congress, because it was of a delicate nature as it respected some of the States. Gentlemen who had been present at the formation of the Constitution could not avoid the recollection of the pain and difficulty which the subject caused in that body. The members from the Southern States were so tender upon this point, that they had well nigh broken up without coming to any determination; however, from the extreme desire of preserving the Union, and obtaining an efficient Government, they were induced mutually to concede, and the Constitution jealously guarded what they agreed to. If gentlemen look over the footsteps of that body, they will find the greatest degree of caution used to imprint them, so as not to be easily eradicated; but the moment we go to jostle on that ground, I fear we shall feel it tremble under our feet. Congress have no power to interfere with the importation of slaves beyond what is given in the ninth section of the 1st article of the Constitution; everything else is interdicted to them in the strongest terms. If we examine the constitution, we shall find the expressions relative to this subject cautiously expressed, and more punctiliously guarded than any other part, "The migration or importation of such persons shall not be prohibited by Congress." But lest this should not have secured the object sufficiently, it is declared, in the

⁴⁵ Elliot, *Debates*, IX, pp. 72-104.

same section, "That no capitation or direct tax shall be laid, unless in proportion to the census;" this was intended to prevent Congress from laying any special tax upon negro slaves, as they might, in this way, so burthen the possessors of them as to induce a general emancipation. If we go on to the fifth article, we shall find the first and fifth clauses of the ninth section of the first article restrained from being altered before the year 1808.⁴⁶

According to George Mason's Account:

The constn as agreed to till a fortnight before the convention rose was such a one as he wd have set his hand & heart to. . . . with respect to the importn of slaves it was left to Congress. this disturbed the 2 Southermost states who knew that Congress would immediately suppress the importn of slaves. those 2 states therefore struck up a bargain with the 3. N. Engld. states, if they would join to admit slaves for some years, the 2 Southernmost states wd join in changing the clause which required $\frac{3}{4}$ of the legislature in any vote. It was done. these articles were changed accordingly, & from that moment the two S. states and the 3 Northern ones joined Pen. Jers. & Del. & made the majority 8. to 3. against us instead of 8. to 3. for us as it had been thro' the whole Convention. under this coalition the great principles of the Constn were changed in the last days of the Convention.⁴⁷

The following debate on this subject took place in the House of Representatives, June 16-20, 1798:

Mr. B(aldwin). thought the 9th section, forbidding Congress to prohibit the migration, &c., was directly opposed to the principles of this bill. He recollected very well that when the 9th section of the Constitution was under consideration in the Convention, the delegates from some of the Southern States insisted that the prohibition of the introduction of slaves should be left to the State Governments; it was found expedient to make this provision in the Constitution; there was an objection to the use of the word slaves, as Congress by none of their acts had ever acknowledged the existence of such a condition. It was at length settled on the words as they now stand, "that the migration or importation of such persons as the several States shall think proper to admit, should not be prohibited till the year 1808." It was observed by some gentlemen

⁴⁶ *Annals of Congress*, 1st session, II, pp. 1200-1201.

⁴⁷ *Records of the Federal Convention*, III, p. 367.

present that this expression would extend to other persons besides slaves, which was not denied, but this did not produce any alteration of it. . . .

Mr. Dayton (the Speaker) commenced his observations with declaring that he should not have risen on this occasion, if no allusion had been made to the proceedings in the Federal Convention which framed the Constitution of the United States, or if the representation which was given of what passed in that body, had been a perfectly correct and candid one. He expressed his surprise at what had fallen from the gentleman from Georgia (Mr. Baldwin) relatively to that part of the Constitution, which had been selected as the text of opposition to the bill under consideration, viz: "The migration " or importation of such persons as any of the States now existing 'shall think proper to admit, shall not be prohibited by Congress, 'prior to the year 1808.'" He could only ascribe either to absolute forgetfulness, or to willful misrepresentation, the assertion of the member from Georgia, that it was understood and intended by the General Convention that the article in question should extend to the importation or introduction of citizens from foreign countries. As that gentleman and himself were the only two members of the House of Representatives who had the honor of a seat in that body, he deemed it his indispensable duty to correct the misstatement that had thus been made. He did not therefore, hesitate to say, in direct contradiction to this novel construction of the article (made as it would seem to suit the particular purposes of the opponents of the Alien bill) that the proposition itself was originally drawn up and moved in the Convention, by the deputies from South Carolina, for the express purpose of preventing Congress from interfering with the introduction of slaves into the United States, within the time specified. He recollected also, that in the discussion of its merits no question arose, or was agitated respecting the admission of foreigners but, on the contrary, that it was confined simply to slaves, and was first voted upon and carried with that word expressed in it, which was afterwards upon reconsideration changed for '*such persons*,' as it now stands, upon the suggestion of one of the Deputies from Connecticut. The sole reason assigned for changing it was, that it would be better not to stain the Constitutional code with such a term, since it could be avoided by the introduction of other equally intelligible words, as had been done in the former part of the same instrument, where the same sense was conveyed by the circuitous expression

of 'three fifths of all other persons.' Mr. Dayton said that at that time he was far from believing, and that indeed until the present debate arose, he had never heard, that any one member supposed that the simple change of the term would enlarge the construction of this prohibitory provision, as it was now contended for. If it could have been conceived to be really liable to such interpretation, he was convinced that it would not have been adopted, for it would then carry with it a strong injunction upon Congress to prohibit the introduction of foreigners into newly erected States immediately, and into the then existing States after the year 1808, as it undoubtedly does, that of slaves after that period. . . .

Mr. Baldwin . . . observed that he was yesterday obliged to leave the House a little before adjournment, and he had understood that, in his absence, the remarks which he had made on that point a few days ago, in Committee of the Whole, had been controverted, and that it had been done with some degree of harshness and personal disrespect. What he had before asserted was, that the clause respecting migration and importation was not considered at the time when it passed in the Convention as confined entirely to the subject of slaves. He spoke with the more confidence on this point, as there was scarcely one to which his attention had been so particularly called at the time. In making the Federal Constitution, when it was determined that it should be a Government possessing Legislative powers, the delegates from the two Southern States, of which he was one, were so fully persuaded that those powers would be used to the destruction of their property in slaves, that for some time they thought it would not be possible for them to be members of it: to that interesting state of the subject he had before alluded. In the progress of the business, other obstacles occurring, which he need not repeat, it was concluded to give to the delegates of those States the offer of preparing a clause to their own minds, to secure that species of property. He well remembered that when the clause was first prepared, it differed in two respects from the form in which it now stands. It used the word "slaves instead of "migration", or "importation," or persons, and instead of "ten dollars," it was expressed "five percent ad valorem on their importation," which it was supposed would be about the average rate of duties under this Government. Several persons had objections to the use of the word "slaves, as Congress had hitherto avoided the use of it in their acts, and not acknowledged the existence of such a condition. It was expressly observed at

the time, that making use of the form of expression as it now stands, instead of the word slaves, would make the meaning more general, and include what we now consider as included; this did not appear to be denied, but still it was preferred in its present form. He had more confidence than common in his recollection on this point, for the reasons which he had before stated. He gave it as the result of his very clear recollection. Any other member of that body was doubtless at liberty to say he did not recollect it. Still that would not diminish the confidence he felt on this occasion. . . .⁴⁸

In a letter to Robert Walsh November 27, 1817, Madison said:

Your letter of the 11th was duly recd, and I should have given it a less tardy answer, but for a succession of particular demands on my attention, and a wish to assist my recollections, by consulting both manuscript & printed sources of information on the subjects of your enquiry. Of these, however, I have not been able to avail myself, but very partially.

As to the intention of the framers of the Constitution in the clause relating to "the migration and importation of persons &c" the best key may perhaps be found in the case which produced it. The African trade in slaves had long been odious to most of the States, and the importation of slaves into them had been prohibited. Particular States however continued the importation, and were extremely adverse to any restriction on their power to do so. In the Convention the former States were anxious, in framing a new constitution, to insert a provision for an immediate and absolute stop to the trade. The latter were not only averse to any interference on the subject; but solemnly declared that their constituents would never accede to a constitution containing such an article. Out of this conflict grew the middle measure providing that Congress should not interfere until the year 1808; with an implication, that after that date, they might prohibit the importation of slaves into the States then existing, & previous thereto, into the States not then existing. Such was the tone of opposition in the States of S. Carolina & Georgia, & such the desire to gain their acquiescence in a prohibitory power, that on a question between the epochs of 1800 & 1808, the States of N. Hampshire, Massatts, & Connecticut, (all the eastern States in the convention); joined in the vote for the

⁴⁸ *Annals of Congress*, Fifth Cong., 2d Session, II, pp. 1660, 1968-2005.

latter, influenced by the collateral motive of reconciling those particular States to the power over commerce & navigation; against which they felt, as did some other States, a very strong repugnance. The earnestness of S. Carolina & Georgia was further manifested by their insisting on the security in the V. article against any amendment to the Constitution affecting the right reserved to them, & their uniting with the small states who insisted on a like security for their equality in the Senate.

But some of the States were not only anxious for a constitutional provision against the introduction of Slaves. They had scruples against admitting the term "Slaves" into the Instrument. Hence the descriptive phrase "migration or importation of persons"; the term migration allowing those who were scrupulous of acknowledging expressly a property in human beings, to view *imported* persons as a species of emigrants, whilst others might apply the term to foreign malefactors sent or coming into the country. It is possible tho' not recollected, that some might have had an eye to the case of freed blacks, as well as malefactors.

But whatever may have been intended by the term "migration" or the term "persons", it is most certain, that they referred, exclusively, to a migration or importation from other countries into the U. States; and not to a removal, voluntary or involuntary, of Slaves or freemen, from one to another part of the U. States. Nothing appears or is recollected that warrants this latter intention. Nothing in the proceedings of the State conventions indicate such a construction there. Had such been in the construction it is easy to imagine the figure it would have made in many of the states, among the objections to the constitution, and among the numerous amendments to it proposed by the state conventions, not one of which amendments refers to the clause in question. . . . It falls within the scope of your enquiry, to state the fact, that there was a proposition in the convention, to discriminate between the old and new States, by an article in the Constitution declaring that the aggregate number of representatives from the states thereafter to be admitted, should never exceed that of the states originally adopting the Constitution. The proposition happily was rejected. The effect of such a discrimination, is sufficiently evident.⁴⁹

Speaking about the meaning of migration, Walter Lowrie of Pennsylvania said in the United States Senate:

⁴⁹ *Documentary History of the Constitution*, V, pp. 303-306.

In the Constitution it is provided that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax," etc. In this debate it seems generally to be admitted, by gentlemen on the opposite side, that these two words are not synonymous; but what their meaning is, they are not so well agreed. One gentleman tells us, it was intended to prevent slaves from being brought in by land; another gentleman says, it was intended to restrain Congress from interfering with emigration from Europe.

These constructions cannot both be right. The gentlemen who have preceded me on the same side, have advanced a number of pertinent arguments to settle the proper meaning of these words. I, sir, shall not repeat them. Indeed, to me, there is nothing more dry and uninteresting, than discussions to explain the meaning of single words. In the present case, I will only refer to the authority of Mr. Madison and Judge Wilson, who were both members of the Convention, and who gave their construction to these words, long before this question was agitated. Mr. Madison observes, that, to say this clause was intended to prevent emigration does not deserve an answer. And Judge Wilson says, expressly, it was intended to place the new States under the control of Congress, as to the introduction of slaves. The opinion of this latter gentleman is entitled to peculiar weight. After the Convention had labored for weeks on the subject of representation and direct taxes—when those great men were like to separate without obtaining their object, Judge Wilson submitted the provision on this subject, which now stands as a part of your Constitution. Sir, there is no man, from any part of the nation, who understood the system of our Government better than him; not even excepting Virginia, from whence the gentleman from Georgia (Mr. Walker) tells us, we have all our great men.⁵⁰

Madison wrote on the same question that year in a letter to Monroe:

I have been truly astonished at some of the doctrines and declarations to which the Missouri question has led; and particularly so at the interpretation put on the terms "migration or importation &c." Judging from my own impressions I shd. deem it impossible

⁵⁰ *Annals of Congress*, Sixteenth Cong., 1st Session, I, pp. 202-203.

that the memory of any one who was a member of the Genl. Convention, could favor an opinion that the terms did not *exclusively* refer to migration & importation, *into the* U. S. Had they been understood in that Body in the sense now put on them, it is easy to conceive the alienation they would have there created in certain States: and no one can decide better than yourself the effect they would had in the State conventions, if such a meaning had been avowed by the advocates of the Constitution. If a suspicion had existed of such a construction, it wd. at least have made a conspicuous figure among the amendments proposed to the Instrument.⁵¹

There was very little objection to the provision for the return of fugitive slaves. On the twenty-ninth of August, it was agreed that:

“If any Person bound to service or labor in any of the United States shall escape into another State, He or She shall not be discharged from such services or labor in consequence of any regulations subsisting in the State to which they escape; but shall be delivered up to the person justly claiming their service or labor.”

which passed in the affirmative (Ayes—11; noes—0.)

It was moved and seconded to strike out the two last clauses of the 17 article⁵²

On the same day when the question came up again:

Mr. Butler moved to insert after art: XV. “If any person bound to service or labor in any of the U—States shall escape into another State, he or she shall not be discharged from such service or labor, in consequence of any regulation subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor,” which was agreed to nem: con:⁵³

The Committee of Style reported:

No person legally held to service or labour in one state, escaping into another, shall in consequence of regulations subsisting therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labour may be due.⁵⁴

⁵¹ *Documentary History of the Constitution*, V, p. 307.

⁵² *Records of the Federal Convention*, II, p. 446.

⁵³ *Ibid.*, pp. 453–454.

⁵⁴ *Ibid.*, pp. 601–602.

On the thirteenth of September,

On motion of Mr. Randolph the word "servitude" was struck out, and "service" (unanimously) inserted, the former being thought to express the condition of slaves, & the latter the obligations of free persons.⁵⁵

Two days later:

Art. IV. sect 2. parag: 3. the term "legally" was struck out, and "under the laws thereof" inserted (after the word "State,") in compliance with the wish of some who thought the term (legal) equivocal, and favoring the idea that slavery was legal in a moral view—⁵⁶

The Constitution provided then:

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law of Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.⁵⁷

⁵⁵ *Records of the Federal Convention*, II, p. 607.

⁵⁶ *Ibid.*, p. 628.

⁵⁷ *Ibid.*, p. 662.

SOME UNDISTINGUISHED NEGROES

PATRICK SNEAD.—Among the most interesting of all fugitive slaves who escaped into Canada was Patrick Snead of Savannah, Georgia. He was as white as his master, but was born a slave. Upon the death of his first master he fell into the hands of one of the sons who died when Snead was about fifteen. His next master was a rather reckless man. Snead's master always promised the slave's mother to give him his freedom as soon as the boy could take care of himself, but this was never done. Snead was sent to school a little by his mother so that he could spell quite well. He had no religious training but was allowed to attend a Sunday school for colored children. Upon approaching manhood Snead was put to the cooper's trade, which he learned in five years.

Up to this time Snead had fared well, but at length his master fell sick and died without freeing the slave according to his promise. Snead was then sold to pay the fees of his master's physician, who later sold him to a wholesale merchant for \$500. In the service of this merchant Snead proved to be a much smarter man than many of those who worked with him. In later years, however, he had to work so hard as to injure his health to the extent that he suffered considerably. Moreover, Snead was never allowed any money and was restricted in his social contact with the people of his group in other parts of the community.

He was later sold to another master, being given in exchange for a woman, two children and \$100. He was still employed in the cooper's trade. Required to make only 18 barrels a week and capable of making more than twice as many, he began to receive an income of his own under the good treatment of his last master. During this period, however, his desire for liberty grew stronger and stronger because of the hardships of his people and then he heard of their opportunities in the free States and in Liberia. He, therefore, made his escape in July, 1851, and reached Canada in safety. After remaining two years in Canada he decided to enter the employ of the proprietor of the Cataract House on the American side of Niagara Falls. What happened then is best told in his own language. He says:

“ Then a constable of Buffalo came in, on Sunday after dinner, and sent the barkeeper into the dining-room for me. I went into the hall, and met the constable,—I had my jacket in my hand, and was going to put it up. He stepped up to me. ‘ Here, Watson,’ (this was the name I assumed on escaping,) ‘ you waited on me, and I’ll give you some change.’ His fingers were then in his pocket, and he dropped a quarter dollar on the floor. I told him, ‘ I have not waited on you—you must be mistaken in the man, and I don’t want another waiter’s money.’ He approached,—I suspected, and stepped back toward the dining-room door. By that time he made a grab at me, caught me by the collar of my shirt and vest,—then four more constables, he had brought with him, sprung on me,—they dragged me to the street door—there was a jamb—I hung on by the doorway. The head constable shackled my left hand. I had on a new silk cravat twice around my neck; he hung on to this, twisting it till my tongue lolled out of my mouth, but he could not start me through the door. By this time the waiters pushed through the crowd,—there were three hundred visitors there at the time,—and Smith and Graves, colored waiters, caught me by the hands,—then the others came on, and dragged me from the officers by main force. They dragged me over chairs and everything, down to the ferry way. I got into the cars, and the waiters were lowering me down, when the constables came and stopped them, saying, ‘ Stop that murderer!’—they called me a *murderer*! Then I was dragged down the steps by the waiters, and flung into the ferry boat. The boatmen rowed me to within fifty feet of the Canada shore—into Canada water—when the head boatman in the other boat gave the word to row back. They did accordingly,—but they could not land me at the usual place on account of the waiters. So they had to go down to Suspension Bridge; they landed me, opened a way through the crowd—shackled me, pushed me into a carriage, and away we went. The head constable then asked me ‘ if I knew any person in Lockport.’ I told him ‘ no.’ Then, ‘ In Buffalo?’ ‘ No.’ ‘ Well then,’ said he, ‘ let’s go to Buffalo—Lockport is too far.’ We reached Buffalo at ten o’clock at night, when I was put in jail. I told the jailer I wished he would be so good as to tell a lawyer—to come round to the jail. Mr. — came, and I engaged him for my lawyer. When the constables saw that pretending to know no one in Buffalo, I had engaged one of the best lawyers in the place, they were astonished. I told them that ‘ as scared as they thought I

was, I wanted them to know that I had my senses about me.' The court was not opened until nine days; the tenth day my trial commenced. The object was, to show some evidence as if of murder, so that they could take me to *Baltimore*. On the eleventh day the claimant was defeated, and I was cleared at 10 A.M. After I was cleared, and while I was yet in the court room, a telegraphic despatch came from a Judge in Savannah, saying that I was no murderer, but a fugitive slave. However, before a new warrant could be got out, I was in a carriage and on my way. I crossed over into Canada, and walked thirty miles to the Clifton House."—Benjamin Drew, *A North-Side View of Slavery*, pp. 102–104.

WHITE WOMEN ENSLAVED.—“A New Hampshire gentleman went down into Louisiana, many years ago, to take a plantation. He pursued the usual method; borrowing money largely to begin with, paying high interest, and clearing off his debt, year by year, as his crops were sold. He followed another custom there; taking a Quadroon wife: a mistress, in the eye of the law, since there can be no legal marriage between the whites and persons of any degree of color: but, in nature and in reason, the woman he took home was his wife. She was a well-principled, amiable, well-educated woman; and they lived happily together for twenty years. She had only the slightest possible tinge of color. Knowing the law, that the children of slaves are to follow the fortunes of the mother, she warned her husband that she was not free, an ancestress having been a slave, and the legal act of manumission having never been performed. The husband promised to look to it: but neglected it. At the end of twenty years, one died, and the other shortly followed, leaving daughters; whether two or three, I have not been able to ascertain with positive certainty; but I have reason to believe three, of the ages of fifteen, seventeen, and eighteen; beautiful girls, with no perceptible mulatto tinge. The brother of their father came down from New Hampshire to settle the affairs; and he supposed, as every one else did, that the deceased had been wealthy. He was pleased with his nieces, and promised to carry them back with him into New Hampshire, and (as they were to all appearance perfectly white) to introduce them into the society which by education they were fitted for. It appeared, however, that their father had died insolvent. The deficiency was very small: but it was necessary to make an inventory of the effects, to deliver to the creditors. This was done by the brother,—the executor. Some of the creditors called on him, and complained that he had not de-

livered in a faithful inventory. He declared he had. No: the number of slaves was not accurately set down: he had omitted the daughters. The executor was overwhelmed with horror, and asked time for thought. He went round among the creditors, appealing to their mercy: but they answered that these young ladies were 'a first-rate article,' too valuable to be relinquished. He next offered, (though he had himself six children, and very little money,) all he had for the redemption of his nieces; alleging that it was more than they would bring in the market for house or field labor. This was refused with scorn. It was said that there were other purposes for which the girls would bring more than for field or house labor. The uncle was in despair, and felt strongly tempted to wish their death, rather than their surrender to such a fate as was before them. He told them, abruptly, what was their prospect. He declares that he never before beheld human grief; never before heard the voice of anguish. They never ate, nor slept, nor separated from each other, till the day when they were taken into the New Orleans slave market. There they were sold, separately, at high prices, for the vilest of purposes: and where each is gone, no one knows. They are for the present, lost. But they will arise to the light in the day of retribution."—Harriet Martineau, *Views on Slavery and Emancipation*, pp. 8-9.

THE WHITE SLAVE.—“A slaveholder, living in Virginia, owned a beautiful slave woman, who was almost white. She became the mother of a child, a little boy, in whose veins ran the blood of her master, and the closest observer could not detect in its appearance any trace of African descent. He grew to be two or three years of age, a most beautiful child and the idol of his mother's heart, when the master concluded, for family reasons, to send him away. He placed him in the care of a friend living in Guilford County, North Carolina, and made an agreement that he should receive a common-school education, and at a suitable age be taught some useful trade. Years passed; the child grew to manhood, and having received a good common-school education, and learned the shoemaker's trade, he married an estimable young white woman, and had a family of five or six children. He had not the slightest knowledge of the taint of African blood in his veins, and no one in the neighborhood knew that he was the son of an octoroon slave woman. He made a comfortable living for his family, was a good citizen, a member of the Methodist Church, and was much respected by all who knew him. In course of time his father, the Virginian

slaveholder, died, and when the executors came to settle up the estate, they remembered the little white boy, the son of the slave woman, and knowing that by law—such law!—he belonged to the estate, and must be by this time a valuable piece of property, they resolved to gain possession of him. After much inquiry and search they learned of his whereabouts, and the heir of the estate, accompanied by an administrator, went to Guilford County, North Carolina, to claim his half-brother as a slave. Without making themselves known to him, they sold him to a negro trader, and gave a bill of sale, preferring to have a sum in ready money instead of a servant who might prove very valuable, but who would, without doubt, give them a great deal of trouble. He had been free all his life, and they knew he would not readily yield to the yoke of bondage. All this time the victim was entirely unconscious of the cruel fate in store for him.

“His wife had been prostrated by a fever then prevalent in the neighborhood, and he had waited upon her and watched by her bedside, until he was worn out with exhaustion and loss of sleep. Several neighbor women coming in one evening to watch with the invalid, he surrendered her to their care, and retired to seek the rest he so much needed. That night the slave-dealer came with a gang of ruffians, burst into the house and seized their victim as he lay asleep, bound him, after heroic struggles on his part, and dragged him away. When he demanded the cause of his seizure, they showed him the bill of sale they had received, and informed him that he was a slave. In this rude, heartless manner the intelligence that he belonged to the African race was first imparted to him, and the crushing weight of his cruel destiny came upon him when totally unprepared. His captors hurried him out of the neighborhood, and took him toward the Southern slave markets. To get him black enough to sell without question, they washed his face in tan ooze, and kept him tied in the sun, and to complete his resemblance to a mulatto, they cut his hair short and seared it with a hot iron to make it curly. He was sold in Georgia or Alabama, to a hard master, by whom he was cruelly treated.

“Several months afterward he succeeded in escaping, and made his way back to Guilford County, North Carolina. Here he learned that his wife had died a few days after his capture, the shock of that calamity having hastened her death, and that his children were scattered among the neighbors. His master, thinking that he would return to his old home, came in pursuit of him with hounds, and

chased him through the thickets and swamps. He evaded the dogs by wading in a mill-pond, and climbing a tree, where he remained several days. Dr. George Swain, a man of much influence in the community, had an interview with him, and, hearing the particulars of his seizure, said he thought the proceedings were illegal. He held a consultation with several lawyers, and instituted proceedings in his behalf. But the unfortunate victim of man's cruelty did not live to regain his freedom. He had been exposed and worried so much, trailed by dogs and forced to lie in swamps and thickets, that his health was broken down and he died before the next term of court."—Levi Coffin, *Reminiscences*, pp. 29-31.

A SLAVE OF ROYAL BLOOD.—“ Among the many persons of color whom I visited at Philadelphia, was a woman of singular intelligence and good breeding. A friend was with me. She received us with the courtesy and easy manners of a gentlewoman. She appeared to be between thirty and forty years of age—of pure African descent, with a handsome expressive countenance and a graceful person. Her mother, who had been stolen from her native land at an early age, was the daughter of a king, and is now, in her eighty-fifth year, the parent stem of no less than 182 living branches. When taken by the slavers, she had with her a piece of gold as an ornament, to denote her rank. Of this she was of course deprived; and a solid bar of the same metal, which her parent sent over to America for the purchase of her freedom, shared the same fate. Christiana Gibbons, who is thus the granddaughter of a prince of the Ebo tribe, was bought when about fifteen years of age, by a woman who was struck by her interesting appearance, and emancipated her. Her benefactress left her, at her death, a legacy of 8,000 dollars. The whole of this money was lost by the failure of a bank, in which her legal trustee (a man of the name of James Morrison, since dead) had placed it in his own name. She had other property, acquired by her own industry, and affording a rent of 500 dollars a year. Her agent, however, Colonel Myers, though indebted to her for many attentions and marks of kindness during sickness, had neglected to remit her the money from Savannah, in Georgia, where the estate is situated; and, when I saw her, she was living, with her husband and son, on the fruits of her labor.

“ She had not been long resident in Philadelphia, whither she had come to escape the numerous impositions and annoyances to which she was exposed in Georgia. Her husband was owner of a

wharf in Savannah, worth eight or ten thousand dollars. It is much feared that the greater part of this property will be lost, or not recovered without great difficulty. I was induced to call upon her, in consequence of a letter I had received from Mr. Kingsley, of whom I have before spoken. He had long been acquainted with her, and spoke of her to me in the highest terms; wishing that I should see what he considered a 'good specimen of the race.'

"We found her, indeed, a very remarkable woman; though it is probable that there are many among the despised slaves as amiable and accomplished as herself. Such, at least, was the account she gave us of their condition, that we felt convinced of the superiority possessed by many, in moral worth and intellectual acuteness, above their oppressors."—E. S. Abdy, *Journal of a Residence and Tour in the United States of America from April, 1833, to October, 1834*, pp. 346–348.

BOOK REVIEWS

The Virgin Islands of the United States of America. By LUTHER K. ZABRISKIE, Former Vice-Consul of the United States at St. Thomas. G. P. Putnam's Sons, New York and London, 1918. Pp. 339. Price \$4.00.

This is an historical and descriptive work containing facts, figures and resources about a country ninety per cent of the population of which belongs to the Negro race. It is a detailed account of practically every interest of concern to the tourist, the merchant, the geographer and the historian. It is made still more valuable by its one hundred and nine illustrations and two maps which clearly demonstrate what the United States Government has received in return for the purchase price of \$25,000,000.

The first effort of the author is to give a short sketch of the history of the Virgin Islands. He then takes up the question of purchasing the islands. In discussing these political and historic questions, however, the author is too brief and neglectful of important problems which the student of history would like to know. The author no doubt carefully avoided these questions for the reasons that he was then and still is in the diplomatic service of the United States. The book is chiefly concerned with the actual government of the group, the occupations of the people, and the place of the islands in the commerce of the world.

Largely interested, therefore, in those things which generally concern a consul, Mr. Zabriskie has written a valuable commercial treatise. He explains such things as steamer service, harbor facilities, banking, currency, sanitation, transportation, cattle raising, agriculture, manufactures, imports and exports. The last part of the book is exclusively devoted to the most recent history of the Virgin Islands. There is a discussion of the sale negotiations, the convention between the United States and Denmark, the announcement of the sale, the formal transfer of the islands, the farewell service and the temporary government provided. This part of the book is not merely descriptive. It contains the actual documents as in the case of the convention between the United States and Denmark, which is given in the English and Danish languages.

Your Negro Neighbor. By BENJAMIN BRAWLEY. The Macmillan Company, New York, 1918. Pp. 100. Price 60 cents.

In this book Dean Brawley does not reach the standard set in some of his other works, but he has here some facts and suggestions which are worth while. The book begins with an appeal to the people of the United States in behalf of the Negroes who, despite their many grievances, are now fighting to make the world safe for democracy although their own country is not safe for them. In directing these remarks to the citizens of this country the author gives in detail the Negroes' grounds for complaint and shows how because of the unjust treatment of the blacks in the United States this country has become an object of suspicion in South America, where the color line is not known.

The second chapter of the book is a statement of the Negroes' place in history. This, however, is too brief and unscientific to be of much value to one in quest of facts of Negro history. It seems unnecessary here also to devote a special chapter to such isolated facts of history in writing a book dealing with a social problem.

The chapter bearing on the Negro as an industrial factor contains interesting material taken from statistical reports. The author discusses such questions as the reliability of Negro laborers, the antagonism of the labor unions, housing conditions, and the like. Taking up the institution of lynching, Dean Brawley goes over old ground but gives striking facts to portray this blot on the American civilization. Then without showing any close connection between the two the author takes up Negro education since the Civil War. Here we see another failure to treat an important question intensively and scientifically. He then gives a sketch of Joanna P. Moore, a missionary of much worth, takes up certain critics and their fallacies, asserts the possibility of the race and closes with a plea for a moralist.

This in brief is the work recently produced by a man who is undertaking to address the American people on almost every phase of Negro life and history. This work, however, is merely the author's observations or impressions of the Negroes among the whites. The very work itself shows that Dean Brawley is undertaking too much. He is best as a literary critic but in sociology and history his works do not measure up to standard.

ORVILLE HOLLIDAY.

The American Cavalryman. By HENRY F. DOWNING. The Neale Publishing Company, New York, 1917. Pp. 306. Price \$1.50.

This is a Liberian romance written by Henry F. Downing, a colored man who evidently spent some years in Liberia. The diction is good, the style pleasing, and the story interesting, but it is not a sympathetic portrayal of African character and customs. It is written from a white man's point of view and shows a tendency to regard the white man's civilization of today as the only true standard. He shows, however, that he does not always approve of the European method of dealing with the African. While describing an unequal contest between the cavalryman and natives, he says: "But alas! in war, as in finance and love, victory does not always smile upon the most deserving. She usually favors the numerically stronger side; that is, unless the less numerous party is armed with quick firing guns, dumdum bullet, and other harmless weapons that Europeans think it criminal to employ against one another, but cheerfully use to Christianize and civilize the poor helpless black African."

The chief value of the work lies in its portrayal of native customs, some of which are beautiful, some wholly barbarous and all more or less tinged with superstition. But, when we pause to think how rife superstition still is among all so-called civilized peoples, we conclude that it is a belief hard to eradicate from human nature. Even in our own country people were hanged as witches a little over a hundred years ago.

While cunning and shrewdness are shown to hold an exalted place in the native character, still lying and cheating, when discovered, are severely punished. Loyalty to friends and fidelity to pledges are held in great esteem. Human life does not seem to be valued very highly judging from the readiness with which a chief extinguished it by having all disloyal or disobedient followers beheaded at a moment's notice. It is evident throughout, however, that human nature is the same in civilized and uncivilized peoples.

There is no attempt to portray the history of Liberia in these pages, a thing which in my opinion would have made the work stronger and far more valuable. It does give a fair picture of Monrovia, the capital city, and presents, to some extent, the need for wise and just administration and the necessity of funds to improve the city and endow it with parks, libraries, and places of amusement. The value of the American constabulary force is felt and the importance of increased communications, union and help-

fulness between the government and the tribes are emphasized. Altogether it is a work worth writing and worth reading, although it does not give enough prominence to the nobler traits of the native character.

IDA GIBBS HUNT.

Education for Life. By FRANCIS G. PEABODY, Vice-President of the Board of Trustees. The Story of Hampton Institute, told in Connection with the Fiftieth Anniversary of the School. Doubleday, Page and Company, New York, 1918. Pp. 393. Price \$2.50.

This work has for its background a brief account of the Negro during the Civil War and the Reconstruction, serving as the occasion for the beginning of the successful career of General Samuel Chapman Armstrong, the founder of Hampton Institute. The actual history of the institution appears under such captions as the beginnings of Hampton, the years of promise, the coming of the Indian, the years of fulfilment, the end of an era, the coming of Frissell, and the expansion of Hampton. The author has endeavored also to explain the relations of Hampton and the South and to forecast the future possibilities of this school. The work is well printed and beautifully illustrated.

In the *Springfield Republican* of July 6, 1918, A. L. Dawes said in her review of this work:

" Hampton institute has chosen a fitting occasion, the completion of fifty years of life and work, to issue the history of its achievement. It comes at the end of one distinct epoch, and the beginning of another, when it is of much value to consider the results which make a foundation for new progress. It is a record of wonderful achievement, and this amazing institution may well be proud of it. We are led from the huddled camp of contrabands in 1868 to the allied armies in 1918; from a crowd of men and women without a past and seemingly without a future—even a possibility only to the eyes of patriotism and faith—we are led in these pages to the ranks of efficient soldiers and brilliant officers fighting with southern men whose grandfathers called their grandfathers slaves!

" Faith has become pride and patriotism has become an individual possession in a resurrected race. The book might well have been called by that title—' The Resurrection of a Race '—but its distinguished author, in calling it ' Education for Life,' has chosen to consider Hampton's double mission to the race and to the world

in connection with education. This latter aspect of its work makes the book particularly pertinent at this time of world reconstruction. This attractive volume will be read with interest and satisfaction by the many widespread friends of Hampton Institute, and it will also be sought with eagerness by another audience, the large public, which is seeking new theories of education for a new world. This group will find it a clear and compelling statement of a new philosophy of education worked out there, heretofore neither recognized nor understood outside, but limited either to manual training or vocational education.

"Hampton has been fortunate in its biographer. It is a labor of love, by Rev. Francis G. Peabody, one of the few remaining trustees whose service covers its three epochs and whose friendship has inspired its three principals. Perhaps no one else has so entered into the life of the place. He has made himself one with pupils and faculty and trustees and public in such friendly fashion that he may rightly say 'we' from any point of view. His many readers will look for noteworthy diction amounting to a new use of words, grace of speech and charm of phrase, a startling power of insight, a passion for social service and the revelation of the spiritual in all human affairs, with the inspiration which compels. These things Dr. Peabody's readers expect of him, but it might have been questioned whether he could write a history. In this book he has shown us that history is the story of life, and he has used all these abilities to discover and fitly express the life which has become Hampton Institute. Not the least of all his skill has appeared in what he has left out—so that the book is never dull though it is crowded with facts. Everything is here that is needed to answer the questions of any objector, and what is more difficult, of any friend. The illustrations are not only interesting, but valuable footnotes to history, and there are a number of collections of statistics at the end of the book of incomparable worth to the student of these subjects; we cannot enough commend their range and selection.

"Among the rest, we notice a just commendation of the Hampton Club in this city. All through the book explanation forestalls objection, while old friends find new information and new reasons for half-understood methods. Such are the accumulating exposition of the Hampton idea, and the description of circumstances and resources which condition all action, and determine the measure of progress. Those who know and love this wonderful place

will be gratified at the stress laid on the 'Hampton spirit' of service as the explanation of its success, as well as the constant recognition of the spiritual in the methods as well as the aims of this hothouse of missionary effort. No one familiar with the school would have found the record complete without the stressing of this element at once its motive and its life. Few could have so well defined that elusive but forceful thing—'the Hampton spirit.'

"It needed all the writer's ability to set forth fitly the ardent Armstrong and the able Frissell—witness his success in this characterization of them:

"'Never were two administrative officers more unlike each other. Armstrong was impetuous, magnetic, volcanic; Frissell was reserved, sagacious, prudent. The gifts of the one were those of action; the strength of the other was in discretion.'

"He has given us all fresh knowledge of both men. By his choice and collocation of extracts he shows Armstrong not only to have had the enthusiastic impact on his world known to all men, but also a forelooking philosophy which guided him to a definite end. He brings out the long line of unusual circumstances which prepared him for this work, and in repeating the vision in which like a Hebrew prophet the young officer was called to teach the Negroes, the writer shows that work to have been a definite growth. No one who knew Samuel C. Armstrong can ever forget him, or ever describe him, but not one of his wide circle ever failed to be moved by any contact with him to put forth his own powers to their full measure.

"Dr. Peabody does full justice to the help and service of the Freedmen's Bureau, which from the first linked the institution with the government, and to the American Missionary Association, which made its beginning possible. He further shows many missionary and philanthropic sources upon which it has always drawn. If he halts a little in enthusiastic justice to Gen. Benjamin F. Butler, who began this crusade, he has evidently done it best—an unexpected best it must be said, from a Harvard professor! Samuel Armstrong was moved by his Christian impulses and missionary inheritance to help these needy people, but there could hardly have been a more unpromising opportunity.

"The task which Armstrong took up was greater than the present generation can imagine. Dr. Peabody has recognized this by a clear and dispassionate description of the situation in 1868, an analysis of the greatest value to the present-day reader. Arm-

strong's high courage and faith brought him to the day when he saw the race well on the high road to its place in the sun, before he dropped his mantle on the shoulders of his successor. It is doubtful, perhaps, whether he saw clearly how much he had done nor how firmly he had established his principles of the necessity of work and respect for it. Dr. Peabody brings out very distinctly this his great achievement, but it is superfluous to quote from a story which everyone will want to read for himself.

"Mindful of the fact that education depends upon personal contact, this book deals largely with the work of the two outstanding personalities, who have made the institution what it is. Hollis Burke Frissell, who took up the work of principal when Armstrong left it twenty-five years ago—'Dr. Frissell' as everyone knew him—proved to be in some ways one of the great men of his time, certainly so if you give a high value to education. As one of his close friends has said of him, 'He invariably grew to the measure of the stature that his work called for.'

"If Dr. Peabody has failed at all in the hard task of describing one in whom the full round of qualities blended into the white light of simplicity it is perhaps in not making his virility sufficiently evident. The first and last impression Frissell made was of lovable-ness, and he was so intent on getting work done that he never cared to be known as its author. Therefore, even his friends did not always discover his strength or sometimes his greatness. He carried on the school to a phenomenal success and he developed more than one beginning to a definite policy.

"In the latter part of Gen. Armstrong's career a simple occurrence changed the whole character of the school. From it the school developed into a world institution. When the government asked Gen. Armstrong to continue the education of seventeen Indians already begun by Capt. Pratt, the task was undertaken as a civil and Christian duty, but thus was started a government policy, and an educational experiment which, carried on and broadened to other races under Dr. Frissell, has changed the face of our own land and altered the conditions of backward races the world over. Because of this great historical fact, Hampton should always keep up its Indian department, which witnesses to the beginning of its world relation.

"The passing of time after the Civil War and emancipation also made possible to Dr. Frissell the development of another policy, that of the unification of the North and the South. This was

something very near his heart, and for it he started the southern education board—which was his creation more fully than Dr. Peabody explains—the Jeans board, much of the southern work of the Rockefeller or general educational board and other well-known agencies to this end. And to accomplish the reconciliation of the races and the regions he gave the vital force which finally cost him his life. The future will render this service its due meed of praise, as the writer so well sets forth, a service carried on in the midst of misunderstanding and sharp criticism.

“ Dr. Peabody has devoted himself especially on bringing out the growth of Dr. Frissell’s carefully-thought-out educational ideals, whereby he added the value of work to the necessity of it in a complete education. Under Frissell, as is so well shown, Hampton entered on its second stage, its relation to the philosophy of education. Men came from all over the world to study the question of the training of native races. Inspired by his work, Frissell saw the possibilities on every side, and looked far into the future. Thus, as has been said, his set purpose broadened the school to include Porto Rico, Cuba, the Philippines, and even Africa, making it what he loved to call it, a ‘ race laboratory.’ That he succeeded appears in the constant stream of officials, educators and philanthropists from all over the globe coming to Hampton that they may study and copy its methods. The vision of the future which was given to Dr. Frissell was not so much a vision of a new race, as with Armstrong; it was for Frissell a vision of a new humanity.

“ It is this vision of ‘ Education for life ’ which Dr. Peabody brings out so clearly—both its meaning and its value. The oldest friends of Hampton have hardly understood it before, so well does he explain it, and so thoroughly does he show that its purpose is to make men and women. Artisans and skilled workmen come out of it, but its first purpose is to develop individuals and all its interests tend to this end. This explains its limitations also, and answers many complaints. The white teacher who recently left because there was ‘ no future ’ for her own career; the educator who complained of a system which continued to educate on general lines when some vocational diversion would be more profitable; those who support the objections of the ‘ Crisis ’ that Hampton is not a university—all these critics fail to understand the new philosophy of Hampton and its dominant human motive. It would be a great mistake if, as appears to be hinted here, any concessions should be made to the demand of these last critics, whose

aims would destroy the whole idea of Hampton, and its value as a world experiment. The author of the book and distinguished student of social ethics so strongly brings out its claim to a new education, for a new world that (to repeat) the reader cannot fail to inquire if this is the solution of the future in our forthcoming new world.

"Dr. Peabody brings us to the beginning of the third era and pays a deserved tribute to the new principal. Rev. James E. Gregg, who enters on the task at a critical time. Just now, when the race question is acute both here and everywhere, and when the new democracy is demanding a new education, there could hardly be a greater opportunity for the man or the school.

This inadequate sketch of a most informing and inspiring book may well be closed with a few paragraphs which sum up the aims of Hampton Institute:

"In short, the fundamental issue in all education for life is between a training to make things and a training to make character. Is a man to be taught carpentering primarily that a house shall be well built, or that in the building the man himself shall get intelligence, self-mastery and skill?"

"The principle was definitely accepted that these shops and classes were maintained, not as sources of profit, but as factors in an education for life. Young men and women were not to be regarded as satisfactory products of Hampton Institute because each could do one thing and get good wages for doing it, but because each had been trained to apply mind and will to the single task, and had made it not only a way of living, but a way of life."

"Trade education as conceived gradually developed and finally realized at Hampton Institute is a development of the person through the trade, rather than a development of the trade through the person. The product is not primarily goods, but goodness; not so much profit as personality. . . . These students become delivered from the benumbing conditions of modern industry by the emancipating and humanizing effect of the Hampton scheme of industrial training, and those who are thus initiated in a large view of their small opportunities are likely to find their way, not only to those occupations, which are still open at the top, but to those resources of happiness which are discovered when work has become a vocation, and labor has contributed to life."

NOTES

In the introduction to Book II of *Negro Folk-Songs* the author, Mrs. Natalie Curtis Burlin, has some interesting paragraphs showing the connection of this music with certain origins in Africa. She says:

“That Negro folk-song is indeed an offshoot from an African root, nobody who has heard Africans sing or even beat the drum can deny. The American Negroes are sprung, of course, from many tribes; but whereas the native traffic in slaves and captives brought individuals from widely separated parts of the continent to the coasts and thus to the European slavers, the great mass of Negroes that filled the slave ships destined for America probably belonged—according to some authorities—to the big linguistic stock called Bantu, comprising some fifty million people south of the equator. The Zulu and Ndaui tribes, whose songs I studied, are of this stock. Yet, as there are over a hundred million Negroes on the Dark Continent, whose different traits are probably represented in some form in this country, all statements as to musical derivations could be made with final authority only by one who had studied comprehensively the music of many different tribes in *Africa*. This much, however, one may most emphatically affirm: though the Negro, transplanted to other lands, absorbed much musically from a surrounding civilization, yet the characteristics which give to his music an interest worthy of particular study are precisely those which differentiate Negro songs from the songs of the neighboring white man; they are racial traits, and the black man brought them from the Dark Continent.

“The most obvious point of demarcation between Negro music and European is found, of course, in the rhythm. The simpler rhythms natural to the white man (I speak of folk-music, the people’s song, not of the elaborate creations of trained musicians) are usually even and symmetrical. Throughout western Europe and in English and Latin countries, the accents fall as a rule on the stressed syllables of the spoken tongue and on the regular beats of the music. The opposite is the case in Negro songs: here the rhythms are uneven, jagged, and, at a first hearing, eccentric, for

the accents fall most frequently on the short notes and on the naturally *unstressed* beats, producing what we call 'syncopation' of a very intricate and highly developed order. The peculiarity of this syncopation is best explained to the layman by drawing attention to the way in which the natural rhythms of the English language are distorted to fit the rhythm of Negro music: where the white man would sing, '*Go down Moses,*' the Negro chants, '*Go down, Moses,*' while a phrase like '*See my Mother,*' becomes in the mouth of the colored singer '*See my Mother.*' These identical accents are found in even the wordless vowel refrains of native African songs. Rhythmically the Negro folk-song has far more variety of accent than the European; it captivates the ear and the imagination with its exciting vitality and with its sense of alertness and movement. For this reason Negro rhythms and white man imitations of them popularized as 'rag-time' have spread far and wide and have conquered the world to-day. The black man has by nature a highly organized rhythmic sense. A totally uneducated Negro, dancing or playing the bones, is often a consummate artist in rhythm, performing with utter abandon and yet with flawless accuracy. My African informant, Kamba Simango, thought nothing of singing one rhythm, beating another with his hands and dancing a third—and all at once!

"Melodically as well as rhythmically, American Negro songs possess distinct characteristics. One of these is a very prevalent use of the pentatonic or five-tone scale, corresponding to the black keys of the piano. If one comes upon a group of colored men unconsciously humming or whistling at work, most often it is the five-tone scale that utters their musical thoughts. This scale—along with other scales—is heard in black Africa also, and in the music of many simple peoples in different parts of the world. Indeed, just as totally unrelated races at certain stages of culture seem to trace many of the same rudimentary symbols and designs on pottery and in textiles, so in music, the archaic simplicity of the five-tone scale would seem almost a basic human art-instinct. Yet the highly developed civilization and the carefully defined musical systems of China and other nations of the farthest East retain the pentatonic scale in wide use, the Chinese in their philosophical and mystical theories of music, linking the five-tones symbolically with the heavenly bodies. It is surprising how much variety can be achieved with those five tones. One of the most graceful melodies that I know in all music is the popular Chinese 'lily Song' which

I recorded from a Chinese actor and which possesses the sheer beauty of outline and the firm delicacy of a Chinese drawing. Indeed, the melodic possibilities of the five-tone scale, containing a charm absolutely peculiar to that scale, instead of being limited, seem almost endless.

“ American Negro music, is however, by no means restricted to this tonality, for we find a broad indulgence in the major and minor modes of modern art, and also there are many songs in which occur tones foreign to those scales most common of which is perhaps the minor, or flat, seventh. Then, too, there are songs framed in the scale with a sharp fourth; and we also find, though more rarely in Negro music, the augmented interval of three semitones. Those of us who have noted Arabic folk-songs are accustomed to associate this latter interval with Semitic music; occurring as it does in African music also it reminds us of the contact between the black population of Africa and the Semitic peoples in the white north of the continent whose caravan trade brought them into communication with the more savage interior, while their ships touched at ports along the coasts and even landed colonists on the Eastern shores, where Arab trade across the Red Sea must have existed since early Bible times. As the age-old slave traffic brought captives from African tribes out from the heart of black Africa to the north, we can readily see how, since the very dawn of history, Negro and Semitic cultures must have touched. One of the Bantu legends in my collection from Portuguese East Africa is probably of Semitic origin, and the song which it embodies seems also tinged with foreign color. Without doubt, Semitic tunes and musical intervals found their way to African ears, while, on the other side, African Negro drum-beats and syncopations must have influenced Berber, Moorish and thus perhaps even Spanish rhythms.

“ Another characteristic of the Negro, musically, is a harmonic sense indicating musical intuition of a high order. This instinct for natural polyphony is made clear in the recording of the Negro songs in this collection, wherein I have noted the four-part harmony as sung extemporaneously by colored boys who had had no musical training whatever. Some of the most beautiful improvisational part-singing that I ever heard arose from the throats of utterly illiterate black laborers in a tobacco factory. One has but to attend a colored church, whether North or South, to hear men and women break naturally into alto, tenor or bass parts (and even subdivisions of these), to realize how instinctively the Negro musical

mind thinks harmonies. I have heard players in colored bands perform one part on an instrument and sing another while all those around him were playing and singing still different parts. Yet it has been asserted by some people that the harmonic sense of the Negro is a product of white environment and that the black man owes his intuitive gift to the slave-holders who sang hymns, ballads and popular songs in his hearing! With all due allowance for white influence, which has been great, of course, the fact remains that in savage Africa, remote from European culture, many of the most primitive pagan songs are sung in parts with elaborate interludes on drums tuned to different pitches. Indeed the music of the Dark Continent is rich in polyphonic as well as rhythmic suggestions for the European. Perhaps the war may help to prick some of the vanity of the white race, which, looking down with self-assumed superiority upon other races, is quick to condemn delinquencies as native characteristics, and to ascribe to its own influences anything worthy; whereas the reverse is, alas, all too often the case. Certainly the art of Africa, of India, of the Orient and of North America owes to the Anglo-Saxon only corruption and commercialization. As for American Negro music, those songs that are most like the music of the white people—and they are not few—are the least interesting; they are sentimental, tame, and uneventful both in melody and rhythm. On the other hand, such melodies as 'Go down Moses,' 'Four and Twenty Elders on Their Knees,' 'Run, Mary, Run,' these speak from the very soul of the black race and no white man could have conceived them. They have a dignity barbaric, aloof and wholly individual which lifts them cloud-high above any 'White' hymns that the Negro might have overheard. Austere as Egyptian bas-relief, simple as Congo sculpture, they are mighty melodies, and they are Negro."

D. Appleton and Company have published for Professor Ulrich B. Phillips of the University of Michigan a volume entitled *American Negro Slavery*.

Lincoln, the Politician, by T. Aaron Levy, and *Latest Lights on Abraham Lincoln*, and *War Time Memories*, works published by Badger and Revell respectively, are two important volumes throwing light on the Civil War.

Among the Washington University Studies has appeared a monograph by C. S. Boucher entitled *The Secession and Cooperation Movements in South Carolina, 1848 to 1852*.

INDEX TO VOLUME III

A

- Admixture of the races in the Mediterranean world, 335-336; in America, 337-353
- Alexander, Charles, *Battles and Victories of Allen Allensworth*, by, reviewed, 203-204
- American Cavalryman, The*, reviewed, 444-445
- American Missionary Association, The, interest of, in Howard University, 373
- Amos, Rev. Mr., an early member of the Baptist Church at Yamacraw, Georgia, 120
- Antonio José de Cot, the wife of, said to have brought the first slave to California, 33
- Archy, a slave in California, 43; set free, 43; a note on, 333-334
- Association for the Study of Negro Life and History, The, clubs of, organized, 98
- Aviery, Dennis, a slave in California, 45

B

- Baker, Henry E., *Benjamin Banneker, The Negro Mathematician and Astronomer*, by, 99-118
- Baldwin, remarks of, in the Convention of 1787, on the importation of slaves, 417, 426-427, 427-428, 429-430
- Banneker, Benjamin, birth, ancestry and early life of, 100-101; on friendly terms with George Ellicott, 100; habit of study, 103-104; rhymes of, 105; his invention of a clock, 106; his study of astronomy, 107-108; his almanac, 108-109; James McHenry had his almanac published, 109-110; correspondence

- of, with Thomas Jefferson, 111; employed in surveying the District of Columbia, 111-113; his promotion of international peace, 114; personal description of, 114-116; the death of, 116-117
- Baptists, opposition of, to slavery in Kentucky, 309-310; change of attitude of, 310
- Bates, Charles, a slave in California, 42
- Bates, Oric and F. H. Sterns, *Harvard Studies I, Varia Africana*, of, reviewed, 198-202
- Battles and Victories of Allen Allensworth*, reviewed, 203-204
- Beasley, Delilah L., *Slavery in California*, of, 33-44; *California Freedom Papers*, collected by, 45-54
- Beginnings of the Miscegenation of the Whites and Blacks, The*, 335-353
- Benevolent Negro, a, 197
- Benjamin Banneker, The Mathematician and Astronomer*, 99-118
- Biddle, Nicholas, letters of Governor Edward Coles to, concerning slavery, 180, 183; reply of, 183, 185
- Birkbeck, Morris, letters of, to Governor Coles, concerning slavery, 180, 183; reply of, 183, 185
- Birney, A. A., member of Howard University Law School faculty, 372
- Birney, James G., opposition of, to slavery, 316-321
- Boynton, Dr. C. B., a founder of Howard University, 131
- Brawley, Benjamin, *Elizabeth Barrett Browning and the Negro*, of, 22-28
- review of James Weldon Johnson's *Fifty Years and Other Poems*, by, 202-203; *The Negro in Literature and Art*, by, reviewed, 329-330;

- Your Negro Neighbor*, of, reviewed, 443
- Brazil, Palmares: The Negro Numan-
tia in, 29-32
- Brazil, race admixture in, 337-338;
Mamelucos in, 336
- Brewster, Henry H., a founder of
Howard University, 132, 134
- Broderick, leader of the free State
party in California, 38
- Brown, George, the famous Negro of
Kentucky, 284
- Brown, John, the tour of, to Canada,
367
- Brown, John Mason, comment of, on
slavery in Kentucky, 241-242
- Browning, Elizabeth Barrett, and the
Negro, 22-28; friend of Mrs. H. B.
Stowe, 24; poem of on a runaway
slave, 26-27
- Bryan, Andrew, birth of, 123; early
work, 124; one of the first members
of the Baptist Church at Yamacraw,
118; a pioneer Negro Baptist
Preacher, 119-127; punished for
preaching, 124; First, Second and
Third African Baptist Churches of
Savannah developed from organi-
zation of, 126-127
- Bryan, Jonathan, the master of An-
drew Bryan, 124
- Bryan, Sampson, brother and assist-
ant of Andrew Bryan, 124
- Burlin, N. C., *Negro Folk Songs* of,
reviewed, 330-331; *Negro Folk
Songs Part II*, of, noted, 451-454.
- Burnett, Peter, Governor of Califor-
nia, recommended the exclusion of
free Negroes, 43-44
- Burton, Thomas, a white preacher to
Andrew Bryan's congregation in
Savannah, 125
- Butler, remarks of, on the slaves, 392,
414, 433
- Butler, William and Mary, suit of, for
freedom because descendants of
Irish Nell, 340
- Buxton Settlement in Canada, condi-
tions of, 362-367; the visit of Dr.
Samuel B. Howe to, 366; visit of
John Brown to, 367

C

- Caetano de Mello, expedition of,
against Palmares, 31
- Calhoun, A. W., *A Social History of
the American Family*, of, reviewed,
95-96
- California Freedom Papers*, 45-54
- California, struggle in, between the
slave and free State parties, 35-39,
41-44; admitted as a free State,
39; fugitive slave law of, 40-41;
slaves in, 41-43
- Campbell, Governor of Jamaica, a
friend of George Liele, 121
- Chapman, Charles E., *Palmares: The
Negro Numan-
tia*, by, 29-32
- Chase, Salmon P., counsel for Van
Zandt, a sympathetic helper of fu-
gitive slaves, 270
- Clay, Cassius M., opposition of, to
slavery, 322
- Clay, Henry, the attitude of, on slav-
ery, 271-272, 313-315, 322-324
- Coffey, Alvin, a slave in California, 41
- Coles, Governor Edward, Letters of,
bearing on the Struggle of freedom
and slavery in Illinois, 158-195;
views of, on emancipation, 159-
162; settlement of his own slaves
on free soil, 162-163
- Colonization in Kentucky, 323-328
- Cook, George William, an administra-
tor at Howard University, 374
- Cooke, Stephen, an assemblyman in-
terested in George Liele's work in
Jamaica, 122
- Cortes, sent out a colony with slaves
from Tehuantepec to California, 33
- Cotton, Peter, a preacher in Kentucky,
294
- Cowles, A., letter of Governor Edward
Coles to, 192-193

D

- Davie, remarks of, on Negroes, in the North Carolina Convention in 1788, 401
- Davis, Jefferson, comment in Senate on conditions in California, 39
- Davis, John W., *George Liele and Andrew Bryan, Pioneer Negro Baptist Preachers*, of, 119-127
- Dayton, remarks of, in the Convention of 1787, on the blacks, 408-428, 429
- De las Casas, ideas of, as to slavery, 33
- Dickinson, John, opposition of, to the slave trade, 412, 416
- Dow, Lorenzo, a helper of Andrew Bryan, 125
- Downing, Henry F., *The American Cavalryman* of, reviewed, 444-445
- Dyson, Zita, *Gerrit Smith's Effort in behalf of Negroes in New York*, by, 354-359

E

- Education for Life*, reviewed, 445-450
- Elgin Association Settlement, 360; first officers of, 361
- Ellsworth, Oliver, remarks of, on the importation of slaves, 409, 411, 414, 419
- English, the sentiment of, regarding race admixture, 338-339
- Epstein, Abraham, *The Negro Migrant in Pittsburg*, of, reviewed, 204-205
- Estill, Colonel, assisted by his slave Monk while fighting Indians in Kentucky, 295-296
- Estill, Monk, first slave in Kentucky, 295-296

F

- Fairbank, Calvin, an aid to fugitive slaves in Kentucky, 264-266
- Fairfield, Frederick W., Acting President of Howard University, 369
- Fifty Years of Howard University*, 128-138
- Flowers, Richard, letter of Governor Edward Coles to, 165

- Francis, Henry, a preacher to Negroes in Georgia, 126
- Franklin, Benjamin, the associations of, with Negro women, 352
- Freedmen's Bureau, connection of, with Howard University, 132, 133, 135, 136, 137, 368
- French, the attitude of, toward miscegenation, 338

G

- Gaulsing, Rev. Jesse, an early member of the Baptist Church at Yamacraw, 120
- George Liele and Andrew Bryan, Pioneer Negro Baptist Preachers*, 119-127
- George, Rev. David, a member of the early Baptist Church at Yamacraw, 120
- Gerrit Smith's Effort in Behalf of the Negroes in New York*, 354-359
- Gerry, Elbridge, remarks of, on slave trade, 412
- Goodell, account of miscegenation of, 352-353
- Gordon, Dr. John, President of Howard University, 375
- Gorham, comment of, on the blacks in the Convention of 1787, 389, 392, 394, 414, 417
- Green, Peter, a slave in California, 48
- Gwyn, leader of the pro-slavery element in California, 38

H

- Hamilton, Alexander, comment of, on the representation of slaves, 400
- Hannah and her children, slaves of Robert Smith in California, 50-54
- Hartgrove, W. B., *Story of Josiah Henson*, by, 1-21; death of, noted, 333
- Helper, *Impending Crisis* of, referred to, 222-223
- Henson, Josiah, sold into Kentucky, 4; a preacher in Kentucky, 292; traveled through Ohio to Maryland, 6;

- carried to New Orleans, 7-8; escaped from slavery after return to Kentucky, 8-11; arrival in Canada, 11-12; work of in assisting fugitives, 12-16; established industrial school, 16; first trip of, to England, 17; the original Uncle Tom, 18; second trip of, to England, 17-18; troubles of the last days of, 20; the last trip to England of, 20-21; the Story of, 1-21
- History of the Civil War*, by James Ford Rhodes, reviewed, 332
- Holmes, D. O. W., *Fifty Years of Howard University*, by, 128-138, 368-380
- Howard, General O. O., helpful to Howard University as head of the Freedmen's Bureau, 135; elected President of Howard University, 133
- Howard University, reason for founding of, 128-130; its connection with the Freedmen's Bureau, 133-137; its early difficulties, 137-138
- Howe, Dr. Samuel R., tour of, to Buxton, Canada, 366
- Humphries, Solomon, an undistinguished Negro, 196
- Hunt, Ida Gibbs, review of *The American Cavalryman* of, 444-445
- I
- Illinois, The struggle of freedom and slavery in, 158-195
- Importation of slaves, 409, 411, 413, 414, 417, 419, 422, 424
- Independence, The Declaration of, and the Negro, 55-56
- Indiana, Henry Clay's visit to, 314
- Ireland, miscegenation in, 336
- Irish Nell, descendants of, 340
- Italy, miscegenation in, 336
- J
- Jefferson, Thomas, thoughts of, on the Negro, 55-89; on natural rights of the Negro, 55-59; on colonization, 57-61; on the evils of slavery, 61; on racial superiority and inferiority, 64, 68, 69, 70; on the Negroes' integrity, 168; relations with Benjamin Banneker, 69-70; plans of, for emancipation, 71-72; change of views of, 73, 75, 83, 89; official action respecting Negroes, 73-74; views as to the elevation of the Negroes in the West Indies, 78, 80-82; desire of, to see the slave trade abolished, 82; an advocate of gradual emancipation, 84-86, 87, 88; attitude of, toward Negro women, 352-353
- Johnson, James Weldon, *Fifty Years and Other Poems*, of, reviewed, 202-203
- Johnston, Sir H. H., *The Black Man's Part in the War*, by, reviewed, 331-332
- Jones, Dr. Thomas Jesse, *Negro Education*, of, reviewed, 92-93
- Jones, vs. Van Zandt, the case of, 269-270
- Junipero Serra, Father, founder of the San Carlos Mission, 33
- K
- Kentucky, the development of slavery in, 214-238; land of George Washington, in, 216; comparison of slave and free population in, 218-220; slaveholders, of, 220-222; the sale of slaves in, 223-228; slave dealers in, 228-236; the value of slave labor in, 226-239; the legal status of the slaves in, 240-280; the importation of slaves into, prohibited, 253-258, 259; abolition in, 258-259; the fugitive slave in, 260-280; the stealing of slaves from, 266-267; number of manumissions in, 279-280; the social status of the slave in, 280-302; public opinion of, regarding emancipation and colonization in, 303-328
- King, Rev. William, connection of, with the Buxton settlement in Canada, 360

King, Rufus, opposition of, to the representation of the blacks, 395, 406-407, 413, 417
Kirkland, Colonel, friend of George Liele in Jamaica, 120

L

Landon, Fred, *The Buxton Settlement in Canada*, of, 360-367
Langston, John M., Vice-President of Howard University, 368-369; Dean of the Howard University Law School, 371
Larwill, Edwin, opposition of, to the Buxton settlement in Canada, 362
Leighton, B. F., head of Howard University Law School, 372
L'Enfant, Major Pierre Charles, assisted by Banneker in surveying the District of Columbia, 99
Letters of Governor Edward Coles Bearing on the Struggle of Freedom and Slavery in Illinois, 158-195
Liele, George, escape of, with British from Savannah to Jamaica, 120
Long, Aleck, a slave in California, 46
Los Negro Esclavos, Estudio Sociológico y de Derecho Público, by Fernando Ortiz, reviewed, 93-94
Lowrie, Walter, comment of, on migration clause, 431-432
Lynch, Major John R., *More about the Historical Errors of James Ford Rhodes* of, 139-157; contention of, as to party alignments in Mississippi, 139-141; comment of, on Negro office holders, 141-142; opinion of, as to the undoing of Reconstruction, 143-145; observations of, on the financial condition of Mississippi during the Reconstruction, 151-152; idea of, as to the effect of Supreme Court decisions on Reconstruction, 154-157

M

Madison, James, remarks of, on slave trade, 417, 424-425, 430-431, 432-

433; observation of a sister of, on miscegenation, 350
Mahan, Rev. John B., indicted in Kentucky for aiding fugitive slaves, 266-268
Mamelucos in Brazil, 337
Marshall, Abraham, a white man preaching to Andrew Bryan's congregation in Savannah, 125
Martin, Asa E., Anti-Slavery movement in Kentucky of, referred to, 211, 260
Martin, Luther, opposition of, to the three-fifths clause, 400, 419
Martin, Samuel, an undistinguished Negro, 91
Martineau, Harriet, observations of, on miscegenation in America, 351
Maryland, laws of, on race admixture, 339-342; custom of, 338-341
Mason, Col. George, opposition of, to slave trade, 410, 417, 427
Massachusetts, laws of, against race admixture, 346
Maxwell, Mrs., cruel to slaves in Kentucky, 301
Methodists, the Kentucky attitude of, toward slavery, 310; change of sentiment, 311; opposition to slavery, 414
Mexico, Slavery there, under the Spanish rule, 34; promoted there by Americans, 34
Michaux, observations of, on slaves in Kentucky, 217
Miller, Kelly, work of, at Howard University, 377
Miscegenation of the whites and blacks, 335-353
Mitchell, Edward, an undistinguished Negro, 90
Moore, Dr. Lewis B., a worker at Howard University, 374
Moore, Rev. Matthew, baptized George Liele, 119
More about the Historical Errors of James Ford Rhodes, 139-157
Morehead, James T., an anti-slavery man in Kentucky, 327

- Morris, Gouverneur, opposition of, to counting the blacks in determining the basis of representation, 393, 394, 395, 396, 407, 413, 416, 417
- Morris, Rev. Benjamin F., a founder of Howard University, 132
- Mulber, Luke, an undistinguished Negro, 91
- McDongle, Dr. Ivan E., *Slavery in Kentucky* of, 211-328
- McHenry, James, comment of, on slave trade, 417
- McPherson, master of Josiah Henson, 2

N

- Negro Colonizationist, a, 196
- Negro Education*, a report, by Dr. Thomas Jesse Jones, reviewed, 92-93
- Negro Folk Songs*, by N. C. Burlin, review of, 330-331; Part II, noted, 451-454
- Negro Moralist, a, 197
- Nell, Irish, the descendants of, held as slaves, 340
- Newman, Dr. Stephen M., President of Howard University, 378
- Nichols, Rev. Danforth B., a founder of Howard University, 132, 133, 372
- North Carolina, miscegenation of whites and blacks in, 345; laws against it, 345, 346

O

- Oregon, the laws of, against the free Negro, 44
- Ortiz, Fernando, *Los Negros Esclavos, Estudio Sociologico y de Derecho Publico*, reviewed, 93-94

P

- Palmares: The Negro Numantia*, 29-32
- Park, R. E., review of Bates and Sterns' *Harvard Studies I, Varia Africana* of, 198-202
- Patterson, of New Jersey, resolutions of, in the Convention of 1787, 388

- Patton, Rev. William, President of Howard University, 369-374
- Peabody, Francis G., *Education for Life* of, reviewed, 445-450
- Pearson, Charles Chilton, *The Readjuster Movement in Virginia* of, reviewed, 96-97
- Pennsylvania, miscegenation in, 346-347, 348; laws penalizing it, 347-348; repeal of them, 348; reaction against admixture, 349
- Pinckney, C. C., discussion of the three fifths clause, 400, 401-405; insisted that blacks be included in representation, 392, 409, 410, 411; remarks of, on the importation of slaves, 414, 415, 417, 422-424
- Pollock, William, a slave in California, 42
- Pomeroy Senator, a founder of Howard University, 133
- Portugese, attitude of, as to race admixture, 336-337
- Prentice, George D., exposition of, as to the sentiment regarding slavery in Kentucky, 321
- Presbyterians opposition of, to slavery in Kentucky, 302-309

Q

- Quakers, attitude of, on slavery, feared, 414

R

- Race admixture, 335-353
- Ramirez, Ignacio, a slave, first to be interred in the San Carlos cemetery, 33
- Randolph, Edmund, resolution of, 387; comment of, on slaves, 414; a motion of, 434
- Rankin, Dr. J. E., President of Howard University, 374
- Ray, Charles B., consulted by Gerrit Smith on plan to give Negroes land in New York, 357
- Readjuster Movement in Virginia, The*, by Charles Chilton Pearson, reviewed, 96-97

Reconstruction, dispute concerning the issues of, between Major John E. Lynch and James Ford Rhodes, 139-157; note on Thirteenth Amendment, 207-209

Rhodes, James Ford, *History of the Civil War* by, reviewed, 332

Rice, David, attitude of, toward slavery, 303-304

Riley, Isaac, the master of Josiah Henson in Kentucky, 4

Robb, a tavern keeper, the master of Josiah Henson, 2

Robinson, E. W., a teacher at Howard University, 372

Rodgers, Daniel, a slave in California, 42

Rutherford, John, letter of Governor Coles to, 193

Rutledge, comment of, on wealth as a basis for representation in the Convention of 1787, 394; remarks of, on the importation of slaves, 409, 413

S

San Carlos, the mission of, having slaves, 33

Seward, W. H., Counsel for Van Zandt charged with aiding fugitives, 270

Shaler, N. S., observations of, on the condition of slaves in Kentucky, 299

Sharp, Henry, the master of George Liele, 120

Sherman, Roger, remarks of, on the slave trade, 407, 408, 410, 414, 417

Slave boy of distinction, a, 90

Slave of royal blood, a, 440-441

Slavery in California, 33-44

Slavery in Kentucky, 211-328

Slavery promoted in Mexico and Texas by Americans, 34

Smith, Gerrit, early life and ancestry of, 354-355; interest of, in colonization, 355; anti land monopoly ideas of, 356; plan of, to give Negroes land, 356; letter of, to Wright, Ray and Smith, 357; fail-

ure of the enterprise of, 359; efforts of, to elevate Negroes in New York, 354-359

Smith, Dr. J. McCune, connection of, with the plan to give Negroes land in New York, 357

Smith, Robert, the slaves of, in California, 50-54

"Smoky," an Indian slave in California, 49

Snead, Patrick, a fugitive slave, 435-437

Social History of the American Family, A, reviewed, 95-96

Southern Publicity Committee, organization of, 209-210

Southerners, influx of, into California, 36-38

Some Undistinguished Negroes, 90-91, 196-197, 435-441

Spaight, comment of, on the slave trade in the Convention of 1787, 425-426

Spaniards and race admixture, 337-338

Spaniards, attitude of, on slavery, 33

Stewart, Charles, an interesting slave of Kentucky, 287

Story of Josiah Henson, The, 1-21

Stoval, Charles, the owner of Archy, the slave in California, 43

T

The Black Man's Part in the War, review of, 331-332

The Negro in Literature and Art, reviewed, 329-330

The Negro Migrant in Pittsburg, reviewed, 204-205

Thirkield, Dr. Wilbur P., President of Howard University, 375-379

Thirteenth Amendment, note on, 209-207

Thomas Jefferson's Thoughts on the Negro, 55-89

Tindle, Nelson, owner of Alvin Coffey, 41

Transylvania Presbytery, opinion of, as to slavery, 304-305

- Troutman, Francis, the affair of, 269
 Turner, Mrs., cruel to slaves in Kentucky, 301
 Tyler, President, daughter of, said to have escaped with a slave, 353
 Tyson, Martha Ellicott, a member of the family friendly to Banneker, 99-100; her account of Banneker, 100

U

- Undistinguished Negroes, 90-91, 196-197, 435-441
 United States, race admixture in, 339-353

V

- Van Zandt, John, aid of, to fugitive slaves, 269-270
 Vaux, Rebert, Letter of Governor Coles to, regarding slavery, 170, 178, 185, 190; letters of, to Governor Coles, 173-175, 188-189
 Vieira, Bernardo, commander of the expedition against Palmares, 31
 Villard, Oswald, note of, concerning William Lloyd Garrison, 206-207
Virgin Islands of the United States, The, reviewed, 442
 Virginia, race admixture in, 342, 344-345; laws of, against it, 343-344

W

- Walker, William, filibustering expedition of, in Lower California, 40
 Webster, Daniel, belief of, that slavery was naturally excluded from California, 35
 Webster, Delia, an aid to fugitive slaves in Kentucky, 264
 Wescott, Dr. Lorenzo, a dean at Howard University, 373
 West Lexington Presbytery, opinion of, as to slavery, 305-306

What the Framers of the Federal Constitution thought of the Negro, 381-434

- Whipple, George, elected President of Howard University, 369
 White Slave, The, 438-440
 White women enslaved, 437-438
 Whittlesey, General E., a promoter of Howard University, 135; a teacher, 372
 Williamson, comment of, on including the blacks to determine the basis of representation in the Convention of 1787, 393, 413
 Wilmot, David, the proviso of, 34-35
 Wilson, James, inquiry of, as to the meaning of the representation of the blacks, 396, 409, 412, 414
 Woodson, Carter G., review of Brawley's *The Negro in Literature and Art* by, 329-330; review of Fernando Ortiz's *Los Negros Esclavos, Estudio Sociologico y de Derecho Publico* by, 93-94; review of Epstein's *Negro Migrant in Pittsburgh* by, 204-205; *The Beginnings of the Miscegenation of the Whites and Blacks* by, 335-353
 Work, M. N., *California Freedom Papers*, collected by, 45-54; review of Dr. T. J. Jones, *Negro Education*, 92-93
 Wright, Theodore S., consulted by Gerrit Smith on plan to give Negroes land in New York, 357

Y

Your Negro Neighbor, reviewed, 443

Z

Zabriskie, L. K., *Virgin Islands*, of, reviewed, 442

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